LOK SABHA DEBATES

(Part I—Questions and Answers)

VOLUME VII, 1955

(21st November to 23rd December, 1955)

ELEVENTH SESSION, 1955

(Vol. VII contains Nos. 1 to 26)

LOK SABHA SECRETARIAT
NEW DELHI

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LOK SABHA

Tuesday, 13th December 1955

The Lok Sabha met at Eleven of the Clock.

[**Mr. Speaker** *in the Chair*]

ORAL ANSWERS TO QUESTIONS

Post Office Savings Bank Accounts (Pakistan)

*752. **Sardar Hukam Singh:** Will the Minister of **Communications** be pleased to state:

(a) whether any progress has been made in the work of the liaison officers appointed in Pakistan in pursuance of Indo-Pakistan agreement of July-August, 1954; and

(b) when transfer of Post Office Savings Bank Accounts and Certificates of displaced persons from Pakistan to India is expected to be completed?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Yes.

(b) According to the recent Indo-Pakistan agreement, the transfer of Post Office Savings Bank accounts and certificates, claims whereof for transfer from Pakistan to India and *vice versa* were registered by the prescribed dates should be completed by the 30-6-56.

Sardar Hukam Singh: May I know whether any assessment has been made so far as to what is the total amount of our accounts there?

Shri Raj Bahadur: According to the initial assessment the number of claims for S. B. Accounts and Postal Certificates was 1,45,275 estimated to be valued at Rs. 7,22,05,232. Out of this, the unsettled claims were assessed at 56,682 of the value of Rs. 3,00,73,096.

Sardar Hukam Singh: And what is the amount claimed by Pakistan from us?

Shri Raj Bahadur: It is only the Pakistan authorities to whom it is best known as to how much amount can be claimed by them. But from the information available with us it can be said that the total amount claimed by Pakistan on account of these accounts is of the order of Rs. 16 lakhs.

Sardar Hukam Singh: What is the amount we have given so far, if any, to the people in need of relief urgently, as these accounts have not been transferred?

Shri Raj Bahadur: The amount for which Post Office Savings Bank accounts and Certificates were transferred from India to Pakistan upto 7th November 1955 is Rs. 9,46,268.

Sardar Hukam Singh: I wanted to know whether we have given any interim relief to any of the claimants who are in urgent need of money.

Shri Raj Bahadur: On the question on interim relief I cannot say off-hand and I do not know whether it arises from the question. Here we are concerned with the transfer of particular Savings Bank account or postal Certificates. I do not know how it comes.

Sardar Hukam Singh: May I know whether we have made any attempts to adjust the mutual claims and whether there has been any correspondence on that subject or whether any discussions have taken place between the two countries to see whether the claims can be mutually adjusted and paid from those places?

Shri Raj Bahadur: I do not know what exactly is meant by mutual adjustment. Some people on our side had Savings Bank accounts in the post offices of Pakistan. They want them to be transferred to India. Some people in Pakistan had their accounts in our post offices. They want them to be transferred to Pakistan. The question of mutual adjustment hardly arises.

Sardar Hukam Singh: I am referring only to those who have had their accounts in Pakistan but now want them to be transferred here and who are in need of payment immediately but they are not getting it because the accounts are not being transferred. Is there any method by which they can be paid here before actual transfer of those accounts?

Shri Raj Bahadur: Before actual transfer? It has to be verified whether a particular Savings Bank account actually

existed in Pakistan. It has also to be verified as to what was the account at the disposal or to the credit of the particular account holder. Without that verification which comes only from Pakistan, it does not appear to be possible to effect any interim adjustment.

Shri Gidwani: May I know whether we have any complete accounts as regards those who have gone to Pakistan and whether we can unilaterally take any action and settle the accounts here?

Shri Raj Bahadur: I do not think it can be taken unilaterally, because the mutual ajdustment of account between two countries is involved in these things.

Mr. Speaker: As I understood from the questions put by hon. Members the trend of the question, I think, is that people keep their moneys in Post Office Savings Bank accounts with a view to be able to make use of those moneys in times of need. A large number of years have passed, and nothing is settled. What is the remedy which Government propose now in respect of the moneys that people have paid there, to give them interim relief here? Pakistan may perhaps never verify them till doomsday. Are we going to wait? That seems to be the point of the question.

Shri Raj Bahadur: Sir, I am very gratefull to you for the elucidation of the question because it explains to me the whole import of the question. I think I will do well to explain, if I can in a few words, the history of the efforts made by the Government of India in this matter. There were some conferences in the middle of September, 1949; some procedure was evolved; it could not be implemented. In June, 1950 another conference was held; another procedure was evolved and some formulae were also evolved, and again in 1952 August there was another conference. Those procedures and formulae for transfer of accounts also could not be implemented. Then we met in July-August, 1953 and we first of all decided to appoint wnat are known as liaison officers to push on the work of verification of account in either country. Our liaison officers are posted at Karacni and Lahore, and their liaison officers are posted at Delhi and Ambala. The verified lists of these accounts are exchanged at their instance and they help us in that direction. That has been done. Then again, as late as March, 1955, we again found that the work was going slow. There, as is supposed to be that the Pakistan authorities think that the value of our accounts to be transferred to us is only two and a half times the value of the amount that India owes to Pakistan in respect of these accounts. As against this the ratio should be as between Rs. 3 crores and Rs. 16 lakhs. So they are only verifying lists two and a half times in number. That has been the snag. Now final dates have been given, and for the verification of accounts which shall have to be settled and completed by the end of June, 1956. That is how the matter stands at the moment.

Sardar Hukam Singh: If that is not also finalised?

Mr. Speaker: It is not for the Chair to make any recommendations or to put any questions. To me the question seems to be obvious. Government have made all possible attempts. That is true. Government have also an estimate as to the amount in the accounts in Pakistan, about Rs. 9 crores and so on. Now, assuming that nothing can be done by negotiations with Pakistan, what is the Government doing for the purpose of giving some kind of interim payment or relief to those who badly need money here? The verification may take years. All I would suggest is that Government may consider this aspect and then come before the House with some proposals.

The Minister of Communications (Shri Jagjivan Ram): Sir, may I add a word? What you have said just now was under my consideration also. But the difficulty is that unless the accounts are verified we cannot take the claims to be the correct thing. That is technically speaking; but in actual practice, as you say, the people are put to much difficulty and hardship, and especially in the case of refugees the difficulty increases much more. As a matter of fact, I receive many personal representations from widows or helpless people. The only source to fall back upon for them is the deposit which they have in the Savings Banks. So, as a matter of fact, as you have suggested, something on those lines is under my consideration, whether we can make of a certain percentage of thier balance as payment before the settlement of their claims after the verification of the same in Pakistan. I will pursue that matter.

Overseas Communications

*753. **Shri Shree Narayan Das:** Will the Minister of **Communications** be pleased to state:

(a) whether any plan for the expansion and development of overseas communications has been drawn;

(b) if so, what are the important features of such a plan;

(c) whether there is any proposal to have teleprinter facilities for business houses and news transmission circuits for press agencies; and

(d) what is the estimated expenditure on such expansion and development?

The Deputy Minister of Communications (Shri Raj Bahadur) : (a) yes.

(b) A statement is laid on the Table of the Sabha indicating briefly the draft plan of the Overseas Communications Service. [*See* Appendix V, Annexure No. 1].

(c) Yes.

(d) The tentative cost of the Second Five Year Plan of the Overseas Communications Service is Rs. 2·50 crores.

Shri Shree Narayan Das : May I know whether all these proposals have been approved by the Planning Commission or are under consideration?

Shri Raj Bahadur : They are yet in the consideration stage.

Shri Shree Narayan Das : May I know whether any assessment has been made as to the requirements and also the extent to which the requirements of equipment of these things will be met by indigenous production and what extent by import?

Shri Raj Bahadur : It is difficult for me to state off-hand how much of the equipment can be obtained indigenously and how much has to be imported. At present it is mostly imported. Our initial figure put to the Planning Commission for the O.C.S. as a whole was Rs. 2.71 crores.

Shri Shree Narayan Das : It has been said in the statement that during the Second Five Year Plan period, it is proposed to open radio-telegraph, radio-telephone and radio-photo service with some countries. May I know whether countries have accepted the proposal and are ready?

Shri Raj Bahadur : This is our plan. The proposals will be put to the respective countries and by mutual negotiation everything will be settled.

Shri Shree Narayan Das : May I know whether any priority has been fixed?

Mr. Speaker : We will go to the next question.

बनीहाल सुरंग परियोजना

*७५४. **श्री अमरसिंह डामर** : क्या परिवहन मंत्री ६ सितम्बर, १९५५ को दिये गये तारांकित प्रश्न संख्या १५९७ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि जम्मू तथा काश्मीर राज्य के बनीहाल दर्रे में सुरंग बनाने के कार्य में कितनी प्रगति हुई है ?

रेलवे तथा परिवहन उपमंत्री (श्री अलगेशन) : सुरंग का मुख्य मार्ग उत्तर की तरफ से १८०० फ़ीट और दक्षिण की तरफ से १९५० फ़ीट खोदा जा चुका है । जरूरत के मुताबिक सुरंग को चोड़ा करने का काम उत्तर और दक्षिण दोनों तरफ़ अक्टूबर, १९५५ में शुरू किया गया था और अब तक दोनों तरफ़ ५० फ़ीट की लम्बाई तक बन चुका है । सुरंग में उत्तर की तरफ़ से केक्रीटिंग का काम भी शुरू हो गया है ।

श्री अमर सिंह डामर : इस सुरंग का कार्य कब तक पूरा हो जायगा ?

Shri Alagesan : It consists of two tubes. The first tube is expected to be completed by the 30th November, 1956, and the entire work is expected to be completed by April, 1958.

श्री अमर सिंह डामर : क्या मैं जान सकता हूं कि इस के लिए कुल कितनी धन राशि मंजूर हुई है और अब तक कितनी दी जा चुकी ?

Mr. Speaker : What is the amount sanctioned now and what has been spent?

Shri Alagesan : I do not have the exact figures. The entire project costs roughly about Rs. 3 crores.

Shri Chattopadhyaya : Do Government propose to accelerate the work in view of the fact that inadequate communication is impeding the exploitation of natural resources such as sulphur in Kashmir?

Shri Alagesan : What I said was the traget laid down for the completion of this project. I shall be happy if the work is completed within the target date laid down.

Railway Accident

*755. **Dr. Satyawadi** : Will the Minister of **Railways** be pleased to state :

(a) whether it is a fact that the Down Mokameh-Howrah Express collided against a standing engine near Jhajha on the 30th September, 1955.

(b) if so, the number of casualties and the extent of damage caused by the accident ;

(c) whether any enquiry into the causes of this accident has been made ; and

(d) if so, the findings thereof?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan) : (a) At about 1·28 hours on 30-9-1955 while No. 306 Down Mokameh-Howrah Express was leaving the Down Main Platform of Jhajha Station of the Dinapore Division of the Eastern Railway, it collided with an engine and a Rest Van which were standing on the main line near Signal No. 26C.

(b) 18 persons received minor injuries

The approximate cost of damage to Railway property was Rs. 870/-/-.

(c) and (d) An enquiry into the accident was held by a Committee of Senior Railway Officers and their finding is that the collision was caused by the despatch of train No. 306 Down from the station while the line ahead was obstructed by an engine and a rest van.

डा० सत्यवादी : क्या मैं जान सकता हूं कि इस किसम के हादसात पिछले साल की निस्बत इस साल कितने कम या ज्यादा पेश आये हैं ?

श्री शाहनवाज खां : यह सवाल तो सिर्फ एक एक्सिडन्ट के बारे में था । अगर आनरेबुल मेम्बर नोटिस देंगे और यही सवाल पूछेंगे तो इस का जवाब दिया जायेगा ।

Pandit D. N. Tiwary : May I know whether in view of the fact that the accident within the yard of the station has been necessarily caused by the negligence of the station staff, what action has been taken against them, and may I also know whether the engine itself was placed on the line ahead by some members of the staff ?

Shri Shahnawaz Khan : This particular accident was caused by the negligence of certain railway employees. An enquiry has been held into it and suitable action is being taken.

Pandit D. N. Tiwary : May I know what is that suitable action ?

Shri Shahnawaz Khan : Normally, of police does not intervene, we take immediate action. But the civil police are quite entitled to step in and, in the case of such Railway accidents, the people responsible are tried through the courts. The police intend prosecuting these negligent employees. Therefore, we are waiting till the police action has been taken.

Pandit D. N. Tiwary : He answered that suitable action is being taken. What is that action ?

Mr. Speaker : Order, order. I am going to the next question.

Railway Corruption Enquiry Committee

***756. Shri T. B. Vittal Rao** : Will the Minister of **Railways** be pleased to refer the reply given to starred question No. 1784 on the 14th September, 1955 and state :

(a) how many of the remaining 93 recommendations of the Railway Corruption Enquiry Committee have since been accepted by Government ; and

(b) the steps taken to implement them ?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan) : (a) and (b) A Statement is laid on the Table of the House. [*See* Appendix V, Annexure No. 2]

Shri T. B. Vittal Rao : On the 25th of last month, while replying to the debate on railway regrouping, the hon. Minister said that on the Central Railway, divisional set-up would be mplement.d, but in this statement, it is stated that the whole question of divisional set-up is under examination. In the Central Railway, two months ago, orders were issued for divisional set-up at Secunderabad and it has been subsequently postponed. May I know at what stage the question of divisional set-up on the railways is ?

The Minister of Railways and Transport (Shri L. B. Shastri) : During the last debate which was held in connection with regrouping, I did say that we do want to take up divisionalisation of the various railways as early as possible. It is true that there is some delay in setting up a divisional organisation on the Central Railway. The Board has agreed, but on the accounts side there was some difficulty in connection with the staff who had to be transferred from one place to another. Therefore, the Accounts Branch was somewhat hesitant in accepting the proposal which the the Railway Board had considered about the settling up of a divisional organisation. But the Accounts Branch has also now reconciled itself and steps for divisionalising the Central Railway will be taken up immediately.

Shri T. B. Vittal Rao : Could I know whether the examination of the whole report will be completed by the time the budget for the next year is presented ?

Shri L. B. Shastri : I hope so, but in any case, it is possible that a few points may be left over ; but our efforts will

be to finish and complete the consideration of the report before the budget is taken up.

Shri Sinhasan Singh : May I know the result or action, if any, taken against the official who had refused to give open delivery to Gandhi Ashram of a parcel as reported by the Corruption Enquiry Committee because the Gandhi Ashram did not pay any illegal money to him ? What action has been taken against that officer ?

Shri L. B. Shastri : I am not in a position to answer this question.

Mr. Speaker : I do not know the connection of this question with the matter at issue.

Shri L. B. Shastri : I can tell him that I have received a complaint from Gandhi Ashram very recently and the matter is being looked into. We have not received the final report.

Shri A. M. Thomas : May I know whether the Railway Ministry has estimated the additional financial commitment that is necessary for the implementation of the the recommendations of the Corruption Enquiry Committee and, if so, how much will it come to ?

Shri L. B. Shastri : We have not considered it, and I do not think the expenditure will be very high, but, in any case, we should be prepared to spend as much as possible in order to eradicate corruption.

Alagesan Committee

*757. **Shri Dabhi** : Will the Minister of **Railways** be pleased to refer to the reply given to starred question No. 937 on the 20th August, 1955 and state :

(a) which of the recommendations of the Alagesan Committee have been implemented ;

(b) whether any of the recommendations have not yet been implemented and

(c) if so, the reasons therefor ?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan) : (a) to (c) Two statements are placed on the Table of the Sabha showing respectively, (i) the recommendations which have been implemented; and (ii) those under implementation together with the reasons therefor. [*See* Appendix V annexure No. 3].

Shri Dabhi : In statement (ii), it is said that departmental catering has already been introduced on the Northern Railway and that on other railways it is expected to be introduced on or before 1-4-1956. May I know whether departmental catering will be introduced in *all* the railways where at present the catering by contractors continues ?

Shri Shahnawaz Khan : No, Sir, certain stations have beem selected and departmental catering will be introduced only on those selected stations. In the case of the Western Railway, the hon. Member will be interested to know that Ratlam, Mehsana and Ahmedabad are the stations selected.

Shri Dabhi : Am I to understand that in all other stations catering by contractors will continue ?

Shri Shahnawaz Khan : Yes.

Shri Dabhi : In the statement it is mentioned that, "it has now been decided to rehabilitate the small contractors. . . "

May I know how the Governmen propose to rehabilitate them ?

Shri Shahnawaz Khan : The high-powered Alagesan Committee have recommended that the holdings of very big contractors will be reduced. When we reduce the holdings of big contractors, those contracts will be given to the displaced contractors.

Great Eastern Shipping Company

*758. **Ch. Raghubir Singh** : Will the Minister of **Transport** be pleased to state :

(a) whether it is a fact that Government advanced a loan to the Great Eastern shipping company for the construction of a vessel at Visakhapatnam ; and

(b) if so, the amount and the terms and conditions of the loan ?

The Deputy Minister of Railways and Transport. (Shri Alagesan) : (a) and (b) Yes, A loan of Rs. 72.25 lakhs, payable in instalments, was sanctioned to the company in April, 1954 for the construction of a ship at the Hindustan Yard. A statement is laid on the Table of the Sabha giving the terms and conditions of the loan. [*See* Appendix V Annexure No. 4]. The Company drew the first instalment of Rs. 14·45 lakhs in August, 1954 but later they refunded the money to Government as they found it necessary to cancel the order on the Yard on account of delay in the anticipated time of construction and delivery.

Ch. Raghbir Singh : May I know whether there was any other firm willing o compete with this firm ?

Shri Alagesan : There is no question of competition. Assistance is being given in the form of grants and loans for placing orders for ships. The orders are placed either on the Hindustan Shipyard or on foreign firms.

लद्दाख में वायरलेस स्टेशन

७५६. **श्री भक्त दर्शन** : क्या संचार मंत्री यह बताने की कृपा करेंगे कि :

(क) लद्दाख (काश्मीर) में वायरलेस स्टेशन स्थापित करने के बारे में क्या कोई अन्तिम निर्णय किया गया है;

(ख) यदि हां, तो यह स्टेशन कब कार्य करने लगेगा ; और

(ग) उस पर अब तक कितनी राशि खर्च की गई है ?

संचार उपमंत्री (श्री राज बहादुर) (क) जी, हां ।

(ख) कोई सुनिश्चित तारीख बतायी नहीं जा सकती है ।

(ग) कुछ नहीं ।

श्री भक्त दर्शन : इस बेतार का यंत्र लगाने में कितनी हानि का अनुमान किया गया है और उसकी पूर्ति क्या काश्मीर सरकार करेगी या यह हानि भारत सरकार को ही उठानी पड़ेगी ?

श्री राज बहादुर : इसका एक अनुमान २०-७-५५ को स्वीकृत किया गया था किन्तु उसकी दुबारा जांच होने पर यह प्रतीत हुआ कि इसको फिर देखना पड़ेगा । एस्टीमेट या अनुमान फिर विचाराधीन है और जब तक वह अन्तिम रूप से स्वीकृत न हो जाये, हानि कितनी होगी, यह बताना कठिन है ।

श्री भक्त दर्शन : यह जो बेतार का यंत्र लग रहा है क्या यह केवल सरकारी विभागों की सुविधा के लिये लग रहा है या यह जनता की सुविधा के लिये भी लगाया जा रहा है और रेट्स क्या होंगे ?

श्री राजबहादुर : यह आम जनता की सुविधा के लिये भी है ।

श्री भक्त दर्शन : क्या लद्दाख में किसी और जगह पर भी बेतार का यन्त्र या टेलीफ़ोन का विस्तार करने की कोई योजना है जिस पर विचार किया जा रहा है ?

श्री राज बहादुर : जहां कहीं आवश्यकता प्रतीत हुई, सरकारी आवश्यकताओं को देखते हुए या जनता की सुविधा को देखते हुए तो विचार किया जायेगा ।

Loco motive Contracts

*760 **Pandit D. N. Tiwary** : Will the Minister of Railways be pleased to refer to the reply given to S arred Question No. 261 on the 29th July, 1955 and state:

(a) in how many cases liquidated damages were realised for non-supply of locomotives, wagons and coaches ;

(b) the names of the companies from which such damages were realised ; and

(c) whether any new orders have been placed with them ?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan) : (a) Two.

(b) 1—Messrs. Societe Anglo-Franco Belge, Belgium.

2—Messrs. M.A.N., Germany.

(c) Yes, only with Messrs. M.A.N., Germany.

Pandit D. N. Tiwary : May I know the reasons for giving the contract again to this firm when it has failed to fulfil the order and when damages were realised from it ?

Shri Shahnawaz Khan : The mere fact that the firm has failed so supply the material on a definite date is not enough reason to blacklist that firm. This firm M.A.N., Germany is a very well-known and renowned firm and they have made good all their lapse They have already supplied their fu

quota of the orders that were placed on them.

Pandit D. N. Tiwary : May I know how many firms failed to supply the goods in time and why only two were penalised and others let off?

Shri Shahnawaz Khan : I require notice.

Shri M. S. Gurupadaswamy : May I know whether it is a fact that plans are being drawn up to manufacture composite coaches in Hindustan Aircraft and may I know which company is collaborating to give technical advice in this matter ?

Shri Shahnawaz Khan: It is an entirely separate question.

Shri T. B. Vittal Rao : May I know whether an order was placed on this Belgium firm for a large number of under-frames, some 600 of them, in 1952 and these under-frames were not delivered at all in time and whether they have been since delivered ?

Shri Shahnawaz Khan : The hon. Member is under some misapprehension. The orders that were placed on the Belgium firm were for 80 locos only.

अन्तर्राष्ट्रीय रेड क्रास सोसायटी

*७६१. **श्री विभूति मिश्र** : क्या स्वास्थ्य मंत्री यह बताने की कृपा करेंगी कि :

(क) क्या यह सच है कि ७ और ८ सितम्बर को अन्तर्राष्ट्रीय रेड क्रास सोसायटी ने सहाय्य कार्य के रूप में दो अमरीकी हवाई जहाजों के द्वारा बाढ़ग्रस्त क्षेत्रों में बांटने के लिये औषधियां तथा कम्बल भेजे थे ;

(ख) यदि हां, तो किन-किन संगठनों ने उपर्युक्त वस्तुयें दी थीं ; और

(ग) किस क्षेत्र को यह सहायता दी गई थी ?

स्वास्थ्य मंत्री (राजकुमारी अमृत कौर): (क) League of Red Cross Societies ने दो अमरीकी हवाई जहाजों द्वारा दवाइयें, milk powder, पलंग की चादरें, absorbent कपड़े, तौलिये और कम्बल भेजे थे

(ख) 1. American Red Cross Society,
2. Canadian Red Cross,
3. Italian Red Cross,
4. Luxembourg Red Cross,
5. League of Red Cross Societies,

और 6. Swiss Red Cross.

(ग) उत्तर प्रदेश, बिहार, उड़ीसा, आसाम, पश्चिमी बंगाल, पंजाब, पेप्सू और दिल्ली को।

श्री विभूति मिश्र : यह जो रेड क्रास सोसायटियों ने सामान भेजा है इसका बंटवारा भारत सरकार द्वारा या विभिन्न प्रान्तीय सरकारों की एजेंसियों द्वारा हुआ है या रेड क्रास सोसाइटी ने अपनी तरफ़ से एजेंसी स्थापित करके इसे बांटा ?

राजकुमारी अमृत कौर : यह जो बंटवारा होता है यह तो जो रेड क्रास की शाखायें हैं उनके द्वारा ही होता है। लेकिन जहां तक हो सकता है, रेड क्रास की जो शाखायें हैं, भिन्न भिन्न प्रान्तों में, वह हमेशा वहां की प्रान्तीय सरकारों के साथ सहयोग करती है।

श्री विभूति मिश्र : अनुमानतः कितने रुपये का सामान आया है जिस का बंटवारा यहां पर हुआ ?

राजकुमारी अमृत कौर : मैं वैल्यू तो नहीं बता सकती लेकिन काफ़ी क़ीमत का वह सामान था। मेरे पास लम्बी लिस्ट है और अगर मैं उसे पढ़ूं तो काफ़ी समय लग जायेगा।

श्री विभूति मिश्र : यह जो सामान था इसका बटवारा किस आधार पर किया गया है। क्या जो मरीज़ थे उनमें इसे बांटा गया या उन लोगों में जिन का सामान बाढ़ में बह गया था उनमें यह बांटा गया ? किस सिद्धान्त पर इस सामान का बंटवारा किया गया ?

राजकुमारी अमृत कौर : जिन लोगों में इसे बांटने की आवश्यकता थी, उनमें यह बांटा गया।

Shri Balakrishnan: May I know whether any help has been given to the cyclone-affected areas in the Tamil Nad?

राजकुमारी अमृत कौर : आसाम को भी बहुत सामान भेजा गया था।

अध्यक्ष महोदय : तमिलनाड के बारे में उनका सवाल है ।

राजकुमारी अमृत कौर : तमिलनाड को भी भेजा गया था ।

Shipping

*763. **Shri M. S. Gurupadaswamy:** Will the Minister of **Transport** be pleased to state :

(a) whether Government are satisfied that the Indian shipping companies are expanding on the right lines and that there is no unfair competition between themselves ;

(b) whether Government are satisfied that all the Indian shipping companies have the requisite administrative personnel; and

(c) if not, the steps Government have taken or propose taking in this matter?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Yes.

(b) and (c). It is primarily the concern of the shipping companies themselves to build up a pool of trained personnel and the principal companies have cadres of their own. It is, however, understood that there is a shortage of personnel with managerial and commercial experience of shipping in the country for holding the top posts and the necessity for making good this shortage has been brought pointedly to the notice of the shipping companies.

Shri M. S. Gurupadaswamy : May I know the amount of money that is to be spent for building ships in the next Five Year Plan?

Shri Alagesan: That Plan has gone before the Planning Commission. We have not yet received any firm indication from the Planning Commission. But our programme for expansion of shipping tonnage in the next Plan period was to the tune of Rs. 80 crores.

Shri M. S. Gurupadaswamy : May I know what might be the percentage of foreign trade that will be carried by Indian ships after the next Plan period ?

Shri Alagesan: It depends upon the actual tonnage we acquire. Roughly within a year, we may be having about 6 lakhs tonnage. The tonnage we will be able to acquire by the end of the Plan can be assessed only after the allotment is made and the amount of foreign trade will depend upon the tonnage we have at that time. As it is we carry only a very small percentage of the world trade.

Shipping

*764. **Shri Raghunath Singh**: Will the Minister of **Transport** be pleased to state whether it is a fact that an order has been placed in Japan by any Indian Company for the construction of a ship?

The Deputy Minister of Railways and Transport (Shri Alagesan) : Yes, Sir.

Shri Joachim Alva : May I know whether there is any proper co-ordination between the Ministry of Transport and the Ministry of Production in the matter of construction of ships, especially when we do not get sufficient co-operation from both the U.K. and U.S.A. and when ships can be constructed in Norway or West Germany?

Shri Alagesan : We take care to feed our yard first. In fact, the capacity of the Hindustan Shipyard in the next Five Year Plan period will be 10 more ships. We have already placed orders with them or ships are under construction upto ten. They can at best take another ten. That is what we are told. Certainly there is co-ordination between the two Ministries while we place orders with foreign yards. There have been orders placed on the German yard.

Dr. Lanka Sundaram : May I know the price at which this order was placed with Japan for the supply of a ship ?

Shri Alagesan : The ship is estimated to cost about Rs. 114 lakhs.

Cow Slaughter

*765. **Shri Bhagwat Jha Azad:** Will the Minister of **Food and Agriculture** be pleased to state the number of States where legislations have either been enacted or have been introduced banning the slaughter of cows ?

The Minister of Food and Agriculture (Shri A. P. Jain) : 12.

Shri Bhagwat Jha Azad : May I know whether there are any States which have sent in their views expressing their inability to pass such legislation ?

Shri A. P. Jain : None of the States has expressed its inability except that Orissa and Pondicherry have not passed such a law.

Shri Bhagwat Jha Azad : May I know whether the 12 States which you have mentioned include both the categories; either have passed legislation or are proposing to pass legislation ?

Shri A. P. Jain : That includes both.

Shri Bhagwat Jha Azad : We want to know which are the States which have already enacted such legislation and the States which are proposing to do so.

Shri A. P. Jain : The States which have enacted legislation are Madhya Pradesh, U.P., Madhya Bharat, Mysore, Rajasthan, Ajmer, Bhopal, P.E.P.S.U., Tripura and Manipur. The States which have introduced legislation are Bihar and the Punjab.

Shri Bhagwat Jha Azad : May I know whether the Central Government have forwarded the views expressed when this question was discussed in this House to the State Government expressing the desirability of passing such legislation ?

Shri A. P. Jain : The views of the Central Government are before the State Government and it is upto the State Government to pass a law either for the total ban or for partial ban.

Mr Speaker: Next question.

Postal Savings Bank Account Misappropriation of Money

*766. **Shri P. C. Bose:** Will the Minister of **Communications** be pleased to state:

(a) whether it is a fact that the Post Master of Argada (Hazaribagh) post office has recently absconded with a large sum of money from the Postal Savings Bank account; and

(b) the facts and circumstances of the matter?

The Deputy Minister of Communications (Shri Raj Bahadur) : (a) The reply is in the affirmative.

(b) The matter is under investigation.

Shri P. C. Bose: May I know whether there is any difficulty for the depositors in withdrawing their money?

Shri Raj Bahadur: The rights and interests of the depositors are governed by the rules.

Railway Workshop (Gorakhpur)

*767. **Shri Bishwa Nath Roy :** Will the Minister of **Railways** be pleased to state:

(a) whether the expansion of the workshop at Gorkhpur in the North-Eastern Railway has been completed; and

(b) whether any proposal is under the consideration of Government for the manufacture of locomotives in that workshop?

The Parliamentary Secretary to the Minister of Railways and Transports. (Shri Shahnawaz Khan): (a) No, Sir.

(b) No, Sir.

Shri Bishwa Nath Roy: May I know the time by which the expansion of the workshop is expected to be completed?

Shri Shahnawaz Khan: It would be completed during the next financial year.

Shri Bishwa Nath Roy: May I know whether the Government have any estimate of the amount required for the supply of equipment which are needed for the manufacture of locomotives?

Shri Shahnawaz Khan: As I said, this workshop will have nothing to do with the manufacture of locomotives as such.

Pandit D.N. Tiwary: May I know whether the workshop is only a repairing workshop or whether any manufacture is done there?

Shri Shahnawaz Khan: It will be mainly a repair and maintenance workshop.

श्री सिंहासन सिंह : क्या मैं जान सकता हूं कि इस वर्कशाप के बनाने में कितना व्यय अब तक हो चुका है और कितना व्यय और होगा ?

श्री शाहनवाज खां : इस वर्कशाप के ऊपर कुल १,१६,५६,००० रुपया खर्च होना था जिस में से ७० फ़ी सदी रुपया खर्च हो चुका है और ७० फ़ी सदी काम भी मुकम्मल हो चुका है ।

Afforestation

*768. **Shrimati Ila Palchoudhury:** Will the Minister of **Food and Agriculture** be pleased to refer to the reply given to Starred Question No. 1905 on the 19th September, 1955 and state the latest position as regards prevention of the spread of the Rajputana Desert through afforestation of the border areas?

The Minister of Food and Agriculture (Shri A. P. Jain): In September last in reply to the question referred to, it was stated that since the inception of the scheme in 1953-54, plantation work had been done on about 15,400 acres of land and 52½ miles on roadsides and that

soil preparation had been done on 29 miles on roadsides and about 300 acres of land. Since then there has been an increase of plantation work on about 1,330 acres of land.

Shrimati Ila Palchoudhury: May I know how much money has so far been spent on this adventure?

Mr. Speaker: She means scheme not adventure.

Shrimati Ila Palchoudhury: I am sorry.

Shri A. P. Jain: We had given only a subsidy of Rs. 1,59,800.

Shrimati Ila Palchoudhury: When we afforest these regions, do we plant such trees that are likely to yield certain forest products like drugs from barks and resin and so on?

Shri A. P. Jain: Only particular kind of trees can grow there. In fact, we have planted some timber trees and some fruit trees.

Shri Kasliwal: May I know whether the hon. Minister can give any idea as to how many million trees have been grown in this area?

Shri A. P. Jain: I think the figures which I have given should be quite enough to give an idea of the approximate number of trees that would have been planted.

Shrimati Ila Palchoudhury: May I know..

Mr. Speaker: We go to the next question.

Manipur

*769. **Shri Rishang Keishing:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether it is a fact that the Judicial Commissioner of Manipur has fined the Government of Manipur Rs.500 in a Burma border forest timber contract case;

(b) if so, the reasons therefor; and

(c) what action the Government of India have taken against the officer responsible for such unnecessary expense of public money?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) No fine was imposed by the Judicial Commissioner, Manipur. Only costs incurred by plaintiff in the civil suit were awarded against the State Government.

(b) Does not arise. The State Govt. lost the suit as the Court held that a contract did exist between the contractor and the State Govt. and its cancellation without any valid reason resulted in loss to the contractor.

(c) The matter is under investigation.

Shri Rishang Keishing: Am I to understand from the reply that the Government of Manipur did not pay the fine of Rs. 500 as fine to the contractor?

Shri A. P. Jain: I do not know whether they have paid. At any rate, when there is a decree of the court, they will have to pay.

Crop Protection

*770. **Shri D. C. Sharma:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether it is a fact that some Indians were sent to the United Kingdom to study the latest scientific methods of crop protection; and

(b) if so, whether they have submitted their report?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) Yes.

(b) Reports have been submitted by the Central Government Officers.

Shri D. C. Sharma: May I know with what items these reports deal and whether they have been considered?

Shri A. P. Jain: These officers went to receive training in crop protection techniques, the use of machinery, crop protection sciences and a special course on the control of pests and diseases to stored products. Naturally, the reports deal with all these matters.

Shri D. C. Sharma: May I know if there is already any special unit in the Ministry of Food and Agriculture which deals with these problems and whether that unit has published any material to be of use to the village farmers?

Shri A. P. Jain: Yes, Sir. There is a special unit for plant protection. That unit is issuing literature from time to time.

Shri D. C. Sharma: What kind of literature? May I know the names of pamphlets, some of the bigger pamphlets, which have been issued on this subject and the circulation of these pamphlets?

Shri A. P. Jain: I am not in a position to name any particular pamphlets. The Ministry of Agriculture is issuing several publicaions in which articles on this subject are published. Some special pamphlets are also issued.

Sindhi Displaced Employees on Railways

*771. **Shri Gidwani**: Will the Minister of **Railways** be pleased to state:

(a) the total number of Sindhi employees of the Northern Railway who had applied for transfer to the Western Railway; and

(b) how many of them have actually been transferred to the Western Railway?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan): (a) 42.

(b) 1.

Shri Gidwani: When will the remaining people be tansferred?

Shri Shahnawaz Khan : It is very difficult to give any definite date. As and when vacancies occur, we will accommodate them.

Wagon Shortage

*772. **Shri Ram Das**: Will the Minister of **Railways** be pleased to state:

(a) whether it is a fact that some time back the Hosiery Industry Federation Ludhiana (Punjab) made representation to the Northern Railway that a very large stock of hosiery goods was lying blocked at Ludhiana for want of non-availability of wagons;

(b) how much of these hosiery goods has been removed by the Railway since; and

(c) whether a similar representation of shortage of wagons was made to the Northern Railway by the Textiles Manufacturers Association of Amritsar?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan): (a) Yes, early in August, 1955, some representatives of this Federation represented difficulties in booking to Bombay. Further it was mentioned in their representation that 180 and 390 maunds of goods were waiting to be sent to Indore and Ahmedabad respectively.

(b) All these goods and others tendered since then have been cleared and at present, there are no consignments of hosiery despatch from Ludhiana.

(c) No.

श्री राम-दास : क्या मैं जान सकता हूं कि सरकार ने इसमें कोई तहकिकात करायी है कि यह शार्टेज आफ वैगन्स रेलवे की कर्मचारियों ने इसलिये क्रीएट की कि व्यापारियों से रिश्वत लेने के मौके और ज्यादा आसान हो सकें ?

श्री शाहनवाज खां : नहीं साहब ऐसी कोई बात नहीं है ।

Sardar Iqbal Singh : Are Government aware of the fact that there is always shortage of wagons at Ludhiana and Amritsar, because these are petty manufacturers of hosiery, and if so, may I know whether Government are going to allot a special quota to these manufactures?

Shri Shahnawaz Khan : Definite quotas are fixed for moving hosiery goods. Two wagons per week is the quota allowed by the Northern Railway for moving hosiery goods.

There is a misconception that there is always shortage of wagons. With your permission, I would like to clear that misconception. There is not a general shortage of wagons for all stations. There are certain stations to which bookings are restricted by means of quota restrictions, because there are bottlenecks at those stations and we have got to pass certain quantities through those bottlenecks; it is only to those destinations that shortage is experienced.

Sardar Iqbal Singh: Is the hon. Parliamentary Secretary aware of the fact that at the meetings of the Consultative Committee of the Northern Railway, the members from the public have always complained that there is shortage of wagons at Ludhiana, and if so, may I know whether Government have taken any steps in the matter?

Shri Shahnawaz Khan: This is quite different question. We do not possess as many wagons as we would like to have in India, and it is for that very reason that we are manufacturing 15,000 wagons a year in India. There is a general shortage of wagons, and consistent with the demand of traffic, we are trying to fit in whatever is available.

Sardar Iqbal Singh: My point was that this matter has been brought to the notice of the Ministry of Railways by the Consultative Committee. Have Government taken any action on this point?

The Minister of Railways and Transport (Shri L. B. Shastri): As the hon. Parliamentary Secretary has said, if the consignments are booked for Madras and beyond Madras, then some restrictions will have to be put on the allotment of wagons, because there are bottle necks

nearabout Bezwada and beyond Bezwada. But if the consignments are booked for other places where there are not such difficulties, then there is absolutely no restriction on the allotment of wagons; in fact, there is almost free booking between Ludhiana and Delhi and other places like Kanpur and even Calcutta. If, for instance, you want to send your consignments to Saurashtra, it has to pass through Sabarmati and other areas where there is limited line capacity; then the difficulties arise. But I may assure the hon. Member that if there has been any difficulty which has been created on account of the non-allotment of wagons for smalls, in future every effort will be made to minimise it and we shall try to allot as many wagons as possible for carrying the smalls.

Telegraph Offices

*773. **Shri L. N. Mishra:** Will the Minister of **Communications** be pleased to refer to the reply given to Unstarred Question No. 652 on the 30th August, 1955 and state:

(a) whether the telegraph offices at Balwabazar and Birpur of Saharsa Dist. in Bihar, have since been opened; and

(b) if not, the reasons therefor?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) No; they are expected to be opened in about a fortnight.

(b) Delay in getting materials and also in obtaining the permission of Kosi Project Authorities for making use of a circuit leased to them.

Railway Booking at Shalimar

*775. **Dr. Ram Subhag Singh:** Will the Minister of **Railways** be pleased to state:

(a) whether it is a fact that due to booking restrictions congestion of textile consignments had occurred in the Railway goods shed at Shalimar in the early part of September this year;

(b) if so, the reasons therefor; and

(c) how was the congestion cleared?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan): (a) Yes, but the booking restrictions were the result and not the cause of the congestion;

(b) The congestion occurred due to delay in taking delivery of textile goods by the consignees.

(c) By imposing restriction in the booking of textile goods to Shalimar, Chambers of Commerce were also requested to assist in securing removal of textile goods from Railway premises and the State Government issued a press notification that consignments not promptly cleared are liable to be seized.

Dr. Ram Subhag Singh: It has been stated that this congestion was because of the delay in taking delivery. May I know the reason for that?

Shri Shahnawaz Khan: It would appear that this congestion was very cleverly manoeuvered by certain business interests in Calcutta. Just before the Puja, they refused to remove the goods from the goods sheds, and by doing so, they hoped to create an artificial scarcity of cloth in Calcutta, and thereby realise high prices for the goods that they had already stored in their godowns. I think the House will be interested to know that during that period, at one time, there were 5,463 bales that were lying in the goods sheds, and there 206 wagons that were waiting to be unloaded. In all there were 293 wagons which were rendered almost useless during that period, because they could not be unloaded for a whole month.

Dr. Ram Subhag Singh: May I know when the congestion was completely cleared, and to what extent the business interests succeeded in their manoeuver?

Shri Shahnawaz Khan: The congestion was completely cleared by 24th October. The business interests who manipulated this artificial scarcity succeeded to a great extent in their evil designs.

Shri N. B. Chowdhury: May I know whether the Government of West Bengal made any representation to the authorities here regarding this matter, and whether Government took adequate steps at that time to see that the goods were cleared from the railway yard at Shalimar?

Shri Shahnawaz Khan: In fact, the position was just the other way. The Railway authorities approached the Government of West Bangal to co-operate with the railways in securing the speedy removal of the consignments, and as a result of this the West Bengal Government issued a communique saying that if the goods were not removed within three days, then the goods would be seized. And it was only as a result of that communique that the goods started moving out of Railway yards.

Mr. Speaker: Next question.

Dr. Ram Subhag Singh: What will happen in the future?

Mr. Speaker: I am going to the next question.

Shri Gidwani: A similar question of mine has not been admitted, nor has it been disallowed.

Mr. Speaker: It may be. But I do not allow that question. The hon. Member may table his question again and try his luck.

Production of Oil Seeds

*779. **Shri Heda:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether any target has been fixed for the production of Oil Seeds in India during the Second Five Year Plan;

(b) if so, what is the target fixed; and

(c) what measures Government propose to adopt to ful fil the target?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) Yes.

(b) 70 lakh tons.

(c) The target is proposed to be achieved by concentrating on intensive cultivation methods, some of which are:—

(i) Expansion of research on evolving new and better varieties of oilseeds and their distribution.

(ii) Application of fertilizers and manures.

(iii) Controlling pests and diseases.

Shri Heda: May I know whether any research is being made for obtaining greater yield from the oilseeds, and if so, in which centres ?

Shri A. P. Jain: Research is constantly being done by the Indian Central Oilseeds Committee. That Committee also propose to set up a Central Oil Technical Research Institute.

Shri Heda: May I know whether, when the target was fixe l, the possibility of our export has been taken into account, and if so, whether an increasing export is taken into account or the level is maintained at the same rate?

Shri A. P. Jain : Oilseeds constitute one of our important export commodities. Of course, in fixing the target for oilseeds, that export has been taken into account on the basis of a possible increase in export.

Shri Bansilal: In view of the fact that *til* seeds are grown in a large area of of Rajasthan, may I know what steps will be taken to develop that area?

Shri A. P. Jain: Well, we shall bear that point in view.

Calcutta Fort

*780. **Shri S. C. Samanta:** Will the Minister of **Transport** be pleased to state:

(a) whether it is a fact that a large amount of sum allocated for the development of the Calcutta Port could not be spent during the First Five Year Plan;

(b) if so, what is the amount spent and unspent;

(c) whether the unspent money will be carried to be spent in the Second Five Year Plan or it will lapse; and

(d) what main items of work for the development of the Port will be completed during the First Five Year Plan and what are the proposals for the Second Five Year Plan?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) to (c). For schemes estimated to cost Rs. 1,196 lakhs during the First Five Year Plan the grant of loans amounting to Rs. 759 lakhs was contemplated. Expenditure up to the end of the Plan period is now estimated at Rs. 666 lakhs. The balance of Rs. 530 lakhs will be carried forward to the Second Plan Period.

(d) A statement is laid on the Table of the Sabha. [*See* Appendix V, Annexure No. 5].

Shri S. C. Samanta: May I know what are the main reasons for the sum not being spent fully?

Shri Alagesan: For instance a very big allotment was made for the purchase of a suction dredger and time was taken in the actual design of the dredger. There were also other works, river training works, which had to await certain experiments carried on at Poona. That also was a major work costing about Rs. 234 lakhs. These are some of the major works. As far as the other works are concerned, satisfactory progress was maintained.

Shri S. C. Samanta: May I know whether want of steel and other materials is also another reason?

Shri Alagesan: Of course, it is well known that there is a shortage of steel which faces us at every stage. But I cannot say, how far shortage of steel has contributed to the delay in this matter.

Anti-Malaria Squad in Tripura

*784. **Shri Biren Dutt :** Will the Minister of **Health** be pleased to state

(a) the number of employees in the anti-Malaria squad in Tripura who have been served with notices of discharge; and

(b) whether Government propose to provide them with alternative appointment?

The Minister of Health (Rajkumari Amrit Kaur): (a) 123 persons who were appointed for a period of seven months only.

(b) They are likely to be re-employed if available during the next spraying season.

Shri Biren Dutt: Am I to understand that this anti-malaria squad has been abolished in Tripura or is it operating there?

Rajkumari Amrit Kaur: It is not a question of abolition. But in Tripura the spraying season lasts only for 7 months. Then it is undertaken again with when the other 5 months are over.

Aerodrome at Kurnool

*785. **Shri B. S. Murthy:** Will the Minister of **Communications** be pleased to state:

(a) the steps taken to construct an aerodrome at Kurnool in Andhra;

(b) the money allotted and the amount so far spent; and

(c) the time by which the aerodrome will be completed?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) to (c). An estimate amounting to Rs. 14·80 lakhs for the construction of an aerodrome at Kurnool was sanctioned by Government on the 20th July, 1955. The State Government are now taking necessary action to acquire the land. The work is expected to be completed by August, 1957. No expenditure has so far been incurred on this account.

Shri B. S. Murthy: May I know why the State Government is not taking necessary steps in acquiring the land necessary for the construction?

Mr. Speaker: The hon. Member knows that acquisition of land is a legal process and takes time.

Shri B. S. Murthy: May I know why they are not taking steps?

Shri Raj Bahadur: We have requested them and we remind them from time to time. They have got their own difficulties, some of which may be legal and others may be procedural.

Shri B. S. Murthy: In view of the likelihood of Visal Andhra coming into being.....

Mr. Speaker: No, no. Let us await the discussion.

Shri B. S. Murthy: I said 'likelihood'; I did not say only 'coming into being'. In view of the likelihood of Visal Andhra coming into being, may I know whether there would be any change in the attitude of the Central Government in constructing the aerodrome at Kurnool?

Mr. Speaker: I think the question is problematical at this stage.

Train Accident

*786. **Shri B. N. Misra:** Will the Minister of **Railways** be pleased to state:

(a) whether it is a fact that on the 13th September, 1955 about 30 wagons of a goods train rolled down to a distance of 30 miles without engine or any one to control them at a station in Raipur District on the South Eastern Railway;

(b) if so, the reason for this;

(c) whether any action has been taken against the empolyees responsible for this; and

(d) what was the loss involved in this accident?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan): (a) and (b). At about 22-30 hrs. on 13-9-1955, when shunting operations in connection with the incoming goods train No. 533-A/UP were in progress in Kantabanji Station Yard on the Raipur Vizianagram Section of the South-Eastern Railway, 35 loaded wagons, coupled together, rolled down the gradient section, at a high speed, in the direction of Vizianagram. In the interest of safety to railway property, including the wagons, the wagons, running at the high speed, were allowed to run on over clear lines until they came to a stop at a heavy rising gradient, about 30 miles away from Kantabanji Station. The wagons ran away from Kantabanji Station as a result of failure to properly set, prior to shunting, the points connecting the slip-siding provided to prevent escape of vehicles from the yard in this direction.

Suitable disciplinary action is being taken against the staff held responsible.

There was no damage to any private or Railway property in this incident.

Shri B. N. Misra: May I know how many officers are concerned against whom suitable disciplinary action is taken, and how long will it take to come to a final decision about that?

Shri Shahnawaz Khan: No officers are concerned in this.

Shri B. N. Misra: In such stations where there is a low ingradient, will the Parliamentary Secretary say whether they have made any provision for any other upgradient loopline in order that such things do not occur?

Shri Shahnawaz Khan: In almost all the big yards, there are arrangements for what they call 'slip siding'. Whenever there are wagons stabled in any of the Yards, then the points are so set that if they are moved from there, they move into a special siding where they are caught, from where they cannot run away.

Bengal Provincial Railway Company Dispute

*788. **Shri Tushar Chatterjea:** Will the Minister of **Labour** be pleased to state:

(a) whether it is a fact that the appeal filed by the Bengal Provincial Railway Company before the Labour Appellate Tribunal for stay order about implementation of the Lower Tribunal Award has been dismissed; and

(b) if so, whether the Lower Tribunal Award has since been implemented by the company?

The Deputy Minister of Labour (Shri Abid Ali): (a) A stay order subject to partial implementation of the Award was granted by the Labour Appellate Tribunal. That order expired on the 17th October 1955 and the Company's application for further extension was dismissed.

(b) Not so far.

Shri Tushar Chatterjea: What steps do Government propose to take to get the award implemented as soon as possible?

Shri Abid Ali: Yes, the employers can be prosecuted, but it seems that they are in financial difficulty. They have applied for a loan from the State Government of West Bengal. In case our officers feel that prosecution and also process under the land revenue system is necessary, that will be done for the recovery of the amount—if it is possible to recover it.

Shri Tushar Chatterjea: In view of the fact that from 1949 onwards, there is repeated failure on the part of this company to implement tribunal awards, do Government propose to take such steps as will ensure proper payment to the workers?

The Minister of Labour (Shri Khandubhai Desai): As my colleague has stated, proceedings will be taken for recovery as well as prosecution instituted, if the company fails to obtain a loan from the Government of West Bengal. It is very clear that the company has no money, and even if we institute recovery proceedings, at the most the assets will be seized.

Shri Tushar Chatterjea: My question is this. Suppose the money cannot be got from the Government. What other steps can Government take to effect payment to the workers?

Shri Khandubhai Desai: As I have said, recovery proceedings will be started.

Telephone Exchanges (Punjab)

*789. **Sardar Iqbal Singh:** Will the Minister of **Communications** be pleased to refer to the reply given to unstarred question No. 440 on the 25th March, 1955 and state the places where Government propose to open new Telephone Exchanges in the Punjab?

The Deputy Minister of Communications (Shri Raj Bahadur):

1. Bahadurgarh.
2. Dabwali.
3. Goraya.
4. Nilokheri.
5. Talwandi.
6. Tohana.

Sardar Iqbal Singh: May I know whether Government have any new programme for opening a new Exchange in the Bhakra dam area which is going to be flourishing with the opening of new markets by the Punjab Government?

Shri Raj Bahadur: We open Telephone Exchanges at district headquarters and at such other places where we find them remunerative.

Sardar Iqbal Singh: Are Government aware of the fact that there is bottleneck in some areas where telephone calls cannot be put through for three to four hours, such as Bhatinda, Ludhiana and Jullundur? Do Government have any expansion programme for these places?

Shri Raj Bahadur: Such difficulties arise where the channels are few for transmission of calls, and we try to augment the number of channels as and when required.

Shri Banslal: May I know whether there is no automatic Telephone line Exchange in Jaipur City, the capital of Rajasthan?

Shri Raj Bahadur: We propose to have an automatic Telephone Exchange at Jaipur in course of time.

SHORT NOTICE QUESTION

Air-Crash at Calcutta

S. N.Q. No. 3. **Shri Kamath:** Will the Minister of **Communications** be pleased to state:

(a) whether it is a fact that a trainer aircraft crashed at the recent N.C.C. day parade in Calcutta;

(b) if so, the details of the accident, and of the casualties; and

(c) whether a Court of Inquiry has been appointed for investigation into the accident?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Yes.

(b) A Tiger Moth aircraft belonging to the Bengal Flying Club while on local flight from Barrackpore crashed on Calcutta Maidan at about 9.13 A.M. on the 4th December, 1955. The Chief Pilot Instructor of the Club and one N.C.C. Cadet, who were the only occupants of the aircraft, were killed instantaneously and the aircraft was burnt out.

(c) The accident is under investigation by the Inspector of Accidents in the Civil Aviation Department.

Shri Kamath: Was this aircraft tested for its airworthiness before it went up?

Shri Raj Bahadur: Normally no aircraft is allowed to fly unless it has a certificate of airworthiness.

Shri Kamath: Is it common in all these N.C.C. parades to have such aircraft demonstrations?

Shri Raj Bahadur: It is the usual practice all the world over in the Flying Clubs.

Shri Kamath: Is it a fact that on this occasion there was no fire engine or other fire-fighting apparatus on the spot so that the last vestige of hope of saving the pilot and the other member from death vanished.

Shri Raj Bahadur: So far as I know there was only a question of delay in the arrival of the fire crash tender was raised in certain quarters . It is a machine for extinguishing fire.

Shri Kamath: What was the delay; did it arrive two hours late or three hours late?

Shri Raj Bahadur: That is a matter of investigation and I will not be able to say anything specific at the moment.

Shri T. B. Vittal Rao: The hon. Minister said that no aircraft is allowed to fly without the certificate of air worthiness. When was this airworthiness certificate given; how many hours before it took off?

Shri Raj Bahadur: All these matters will be examined by the committee of enquiry, by the officer enquiring into the accident.

Shri Joachim Alva: Is Government aware that there is plenty of heart-burning amongst the relatives of the deceased pilot in the matter of compensation? In the matter of monetary grant for the relations of the deceased, has Government got any general scheme of compensation?

The Minister of Communications (Shri Jagjivan Ram): In the first instance, this question does not arise out of this. But, because it is an important question, I would like to give an answer to it. This aircraft which, unfortunately, met with an accident was not a transport aircraft but it was of the Flying Club. We are not in a position to reply to all the details which have been asked for in the supplementary because none of the officers of the Civil Aviation Department were directly in the picture on that day. My information is that practically they were not even invited to the performance there.

As regards compensation to pilots, I may inform the House that every pilot is invariably insured in the first instance and, therefore, when any unfortunate accident takes place, where it proves fatal to the pilot or crew, the amount of insurance is given to his family. But that is not all. In addition to that, the operators, the Air Companies, whether the Air India International or the I. A. C., pays on gratuitous grounds something to the family of the pilot or the air-crew. So, we have been taking care of that.

Shri K. K. Basu: On this occasion, who will pay the compensation.

Shri Jagjivan Ram: I am sure the pilot should have been insured by the Flying Club.

WRITTEN ANSWERS TO QUESTION

Delhi Water Supply

*751. **Pandit Thakur Das Bhargava:** Will the Minister of Health be pleased to State:

(a) whether it is a fact that the supply of filtered water was restricted and; stopped in some areas of Delhi recently

(b) if so, whether this was done with a view to prevent the sullage from Najafgarh drain which has, or was likely to have polluted water supply ; and

(c) what permanent measures have been adopted to prevent the sullage, so that the water supply to the city is not polluted and the health of the citizens jeopardised?

The Minister of Health (Rajkumari Amrit Kaur) : (a) Yes. It was restricted for a few hours on the 17th November, 1955.

(b) Supply of filtered water was restricted in order to :

(*i*) prevent the sullage from the Najafgarh drain polluting the water supply ; and

(*ii*) an insufficiency of water in the main stream towards the intake wells.

(c) Steps are being taken for diverting the Najafgarh drain water further downstream so as to minimise and possibly eliminate the chances of pollution.

तपेदिक

*७६२. **श्री दिगम्बर सिंह** : क्या स्वास्थ्य मंत्री यह बताने की कृपा करेंगी कि :

(क) क्या देश में तपेदिक के रोगियों की समस्त संख्या का पता लगाने के सरकार के पास कोई व्यवस्था (तंत्र) है और

(ख) तपेदिक से प्रतिवर्ष औसतन कितने व्यक्तियों की मृत्यु होती है ?

स्वास्थ्य मंत्री (राजकुमारी अमृत कौर): (क) जी नहीं ।

(ख) यह प्रश्न नहीं उठता ।

Pilgrims Trains

*770-A. **Shri V. P. Nayar** : Will the Minister of **Railways** be pleased to state:

(a) whether the Indian Railways have in October-November, 1955 run any special "Pilgrims Train" solely for pilgrims to visit holy places of Hindus;

(b) if so, the number of pilgrims who used it; and

(c) whether Government propose to run such special trains for the benefit of students at concessional rates?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan) : (a) Special trains are run whenever there is adequate demand, whether for purposes of pilgrimage or otherwise. A number of such special trains were run in October-November 1955.

(b) The number of pilgrims, who travelled by the special trains, is not readily available.

(c) Concessional fares for special trains for students on educational tours already exist and in fact the basis of these fares is lower than in the case of special trains for other purposes.

Catering Contracts on Railways

*774. **Shri Punnoose** : Will the Minister of **Railways** be pleased to state:

(a) whether it is a fact that Government have decided to abolish catering stalls, refreshment rooms and hand-*garis* run by private contractors in some Zones of the Indian Railways;

(b) if so, the names of these Zones;

(c) whether in deciding the matter Government have taken into consideration the question of the future of small contractors and their employees; and

(d) if so, what is the decision in this regard?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan) : (a) and (b). The catering at certain stations, as indicated in the statement placed on the Table of the Sabha, is proposed to be taken over for departmental working. [*See* Appendix V, annexure No. 6].

(c) Yes.

(d) So far as small contractors are concerned, it is proposed to provide them alternative contracts at other stations, as far as possible. As for the employees of the existing contractors whose contracts are being terminated, every effort will be made to utilise them, if suitable, in the arrangements made for departmental catering.

Heron Aircraft

*776. **Shri Karni Singhji** : Will the Minister of **Communications** be pleased to state whether it is a fact that the 'Herons' purchased for the feeder line services are giving trouble?

The Deputy Minister of Communications (Shri Raj Bahadur) : A few cases of engine trouble were experienced which are normal in early stages in the introduction of a new type of aircraft. These have been attended to with the assistance of Manufacturers.

Airlifting of Second Class Mail

*777. **Shri S. K. Razmi** : Will the Minister of **Communications** be pleased to state:

(a) whether Government have taken any decision regarding the airlifting of second class mail;

(b) if so, what; and

(c) which of the stations will be connected?

The Deputy Minister of Communications (Shri Raj Bahadur) : (a) Yes. In view of the considerable cost involved, the scheme for airlifting of second class mail is not likely to be implemented in the near furure.

(b) and (c). Do not arise.

Sugar cane Prices

*778. **Thakur Jugal Kishore Sinha** : **Babu Ramnarayan Singh** : **Shri Asthana** :

Will the Minister of **Food and Agriculture** be pleased to state:

(a) the names of States which have not accepted the formulae linking price of cane with the price of sugar evolved by the Central Government and the reasons therefor for the season 1955-56; and

(b) the names of States which have fixed higher cane price than what has been fixed by the Central Government for 1955-56 and the reasons for doing so?

The Minister of Food and Agriculture (Shri A. P. Jain) : (a) Pending the report of the Expert Committee which is expected soon, no decision has yet been taken on the formula linking the price of cane with that of sugar to be adopted for the season 1955-56.

(b) It is only in the case of the State of Bombay that higher minimum cane price at Rs. 44/- per ton as against the All India price of Rs. 39/2/- per ton has been fixed on the recommendation of the State Government. The reason is that most of the factories in that State have extensive sugarcane farms and it was apprehended that they may not buy cane from cultivators if the price they have to pay for such cane is linked with price of sugar and not declared before-hand. [*See* Appendix V, annexure No. 7].

Hirakud Dam

*781. **Shri Sarangadhar Das** : Will the Minister of **Communications** be pleased to state:

(a) whether a special 'Hirakud Dam Project Allowance' is being granted to the P. & T. employees in the entire area where the transmission line goes;

(b) if so, the year and the date when this special allowance was granted;

(c) whether it is a fact that this allowance is being given to the emploees in the Angul and Chowdwar Post Offices; and

(d) the reason why it has not been granted to the employees in the Dhenkanal Post Office which is situated along the transmission line between Angul and Chowdwar?

The Deputy Minister of Communications (Shri Raj Bahadur) : (a) Yes, except in Dhenkanal.

(b) 1-4-54.

(c) Yes.

(d) The proposal to sanction the allowance to P. & T. staff in Dhenkanal also is under consideration.

Vacuum Braking in Metre Gauge Trains

*782. **Shri U. M. Trivedi** : Will the Minister of **Railways** be pleased to state:

(a) whether it is a fact that Metre gauge trains do not run with complete vacuum braking;

(b) if so, why; and

(c) since when has this restriction been applied ?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan) : (a) and (b). All passenger trains on the Metre Gauge are fitted with vacuum brakes. Passenger trains on some of the sections of the North Eastern Railway have the vacuum brake blanked off neces sitated due to frequent unauthorisedpulling of chain

Goods and mixed trains, however, do not always run with vacuum brakes as all the old Metre Gauge wagons are not yet fitted with vacuum brake equipment.

(c) Blanking of vacuum Brake on Passenger trains on the North Eastern Railway from 16th May 1955.

Trade Delegations

*783. **Shri Tulsidas :** Will the Minister of **Food and Agriculture** be pleased to state the progress made in the proposal for sending two Trade Delegations to West Asia and Europe and East and South East Asia respectively to explore the possibilities of increasing the exports of cereals and their products?

The Minister of Food and Agriculture (Shri A. P. Jain) : The question of sending any Trade Delegations abroad has been deferred for the present.

Collection from Telephones

*790. **Shri Kajrolkar :** Will the Minister of **Commnnications** be pleased to state whether Government contemplate to collect the dues from the subscribers of Telephones in *mofussil* areas monthly at call basis instead of annually?

The Deputy Minister of Communications (Shri Raj Bahadur): The system of telephone payments on call basis is at present applied only at some of the bigger exchanges. The same policy will continue to be adopted and the system of payment on call basis will gradually be extended to all other similar exchanges.

Universal Postal Union

*791. **Sardar Hukam Singh :**
Shri Bahadur Singh :
Will the Minister of **Communications** be pleased to state:

(a) when the Executive and Liaison Committee of the Universal Postal Union held its last meeting;

(b) whether meetings are held annually; and

(c) whether the draft Telegraphic Code prepared by the Sub-Commission at their meeting of September-October 1954 was given effect to by the Union Countries?

The Deputy Minister of Communications (Shri Raj Bahadur) : (a) The Executive and Liaison Commission held its last meeting from 2-5-55 to 13-5-55.

(b) The meetings are held at least once a year.

(c) The draft Telegraphic Code can be brought into use only after it is approved by the Congress whch is to meet in 1957.

Co-operation

*792. **Shri Shree Narayan Das :**
Shri M. Islamuddin :
Will the Minister of **Food and Agriculture** be pleased to state:

(a) the progress made so far with regard to the scheme of training of co-operative personnel of all grades;

(b) whether as a result of the recommendations of the Committee of Direction appointed by the Reserve Bank of India, the scheme formulated earlier has been revised and reorientated; and

(c) if so, the present arrangements and programme for such training?

The Minister of Food and Agriculture (Shri A. P. Jain) : (a) Statement is placed on the Table of the Sabha. [*See* Appendix V, annexure No. 8]

(b) No specific change has been made in the schemes of Co-operative Training since most of them have been on the lines of the recommendations of the Committee of Direction

(c) Does not arise.

नर्बदा पर पुल

*७९३. **श्री अमर सिंह डामर :** क्या परिवहन मंत्री यह बताने की कृपा करेंगे कि :

(क) नर्बदा नदी पर मध्य भारत में बड़वानी के निकट, राजघाट पर जो पुल बन रहा है उसके कार्य में कहां तक प्रगति हुई है; और

(ख) पुल के कब तक बन कर पूरा हो जाने की आशा है?

रेलवे तथा परिवहन मंत्री के सभा सचिव (श्री शाहनवाज खां) : (क) योजनाओं और एस्टीमेट (Plans and estimates) के बाबत राज्य सरकार के साथ बातचीत हो रही है। जब उन पर पूरा फैसला हो जायेगा, तो पुल के बनाने का काम शुरू होगा।

(ख) पुल के बनाने में करीब तीन साल लगेंगे।

Delhi-Madras Janta Express

*794. **Shri T. B. Vittal Rao:** Will the Minister of **Railways** be pleased to refer to the reply given to Starred Question No. 2451 on the 30th September, 1955 and state:

(a) whether the proposals for increasing the line capacity between Bhopal and Bina have been finalised;

(b) if so, the details thereof; and

(c) the steps taken for their implementation?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan): (a) Not yet.

(b) and (c). Do not arise.

Polio

*795. **Dr. Satyawadi:** Will the Minister of **Health** be pleased to refer to the statement laid on the Table of the House in reply to the Starred Question No. 2081 on the 22nd September, 1955 and state:

(a) whether any report has been received from the Punjab Government about the extent of the incidence of polio in Jullundur for which a sum of Rs. five thousand was given; and

(b) whether the State Government has submitted any information regarding the incidence of polio in other parts of Punjab?

The Minister of Health (Rajkumari Amrit Kaur): (a) and (b). No report has been received from the Government of Punjab.

फल उत्पादन योजनायें

*७९६. **श्री भक्त दर्शन :** क्या खाद्य और कृषि मंत्री २८ अप्रैल, १९५५ को दिये गये अतारांकित प्रश्न संख्या ११२६ के उत्तर के सम्बन्ध में सभा के टेबल पर एक विवरण रखने की कृपा करेंगे जिसमें निम्नलिखित बातें दिखाई गई हों :—

(क) फलोत्पादन योजनाओं के लिये विभिन्न राज्यों को दी गई राशि में से अब तक उन्हें वस्तुत: कितना-कितना धन दिया गया है ;

(ख) क्या इस सम्बन्ध में कुछ और राज्यों ने वित्तीय सहायता की मांग की है; और

(ग) यदि हां, तो उनका ब्योरा क्या है ?

खाद्य और कृषि मंत्री (श्री ए० पी० जैन) : (क) और (ग) . पूछी हुई जानकारी के विवरण सभा के टेबल पर रख दिये गये हैं । **[देखिये परिशिष्ट ५, अनुबन्ध संख्या ९]**

(ख) जी, हां ।

Assistance to Western Nigeria

*797. **Shri Bhagwat Jha Azad :** Will the Minister of **Health** be pleased to state:

(a) whether the Government of Western Nigeria have approached the Government of India in connection with their health services; and

(b) whether the Government of India have invited applications from medical officers for the purpose?

The Minister of Health (Rajkumari Amrit Kaur): (a) and (b). The answer is in the affirmative.

Air Taxies India

*798. **Shri M. S. Gurupadaswamy:** Will the Minister of **Communications** be pleased to state:

(a) whether any non-scheduled air services were operated by Air Taxies India, New Delhi, during the period of their one year permit;

(b) if not, the reasons therefor; and

(c) whether the permit has been extended for a further period?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) No, Sir.

(b) I place a statement on the table of the Sabha giving the requisite information. [*See* Appendix V, annexure No. 10].

(c) It has been renewed for a further period of one year.

Salary Advance to Railway Employees

*799. **Shrimati Ila Palchoudhury:** Will the Minister of **Railways** be pleased to state:

(a) whether it is a fact that railway employees in this country were given

a month's salary as 'Pujah' or 'Dusserah' advance in October this year;

(b) if so, the total amount given as advance;

(c) in how many instalments it will be recovered; and

(d) the names of States in which this advance was given?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan): (a) and (b). Advances were given of Rs. 50/- to all Class III and skilled staff and Rs. 30/- to all Class IV, semi-skilled and unskilled staff, of the Eastern and South Eastern Railways; also to such staff of the North Eastern Railway and Ganga Bridge Project, working at Calcutta. Similar advances were made to the staff employed in the Chittaranjan Locomotive Works. All these advances were made against the salaries of the staff for the month of October 1955. The advances were paid before the commencement of the Puja Holidays.

(b) According to information available so far, the amount advanced was Rs. 99,15,592-3-0.

(c) The advance is recoverable in five equal monthly instalments.

Telegraph Offices

***800. Shri L. N. Mishra:** Will the Minister of **Communications** be pleased to state:

(a) when the Telegraph Offices are expected to be opened at Laukaha, Laukahi, Phulparas and Khataunabazar of Darbhanga District in Bihar; and

(b) the special reason for delay in their opening?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Telegraph Offices at Laukaha, Laukahi and Phulparas are expected to be opened by March, 1956. No sanction has been issued for a Telegraph Office at Khataunabazar.

(b) Delay in getting materials.

डाक व तार कार्यालय बिहार सर्किल

*८०१. डा० राम सुभग सिंह : क्या संचार मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या सरकार का ध्यान आर्यावर्त (पटना से प्रकाशित) के ९ नवम्बर, १९५५ के अंक में प्रकाशित उस सूचना की ओर आकर्षित किया गया है जिस में कहा है कि बिहार सर्किल के बहुत से डाक व तार कार्यालयों में जनता तथा डाक विभाग को धोखा देने के मामले हो रहे हैं; और

(ख) यदि हां, तो क्या सरकार ने इस सम्बन्ध में कोई जांच की है ?

संचार उपमंत्री (श्री राज बहादुर) : (क) जी, हां ।

(ख) जी, हां ; यह सूचना अतिरंजित (exaggerated) है ।

Over-crowding in Trains

***802. Shri Tulsidas:** Will the Minister of **Railways** be pleased to state:

(a) whether representations have been made in respect of over-crowding of passenger trains between Ahmedabad and Abu Road, and Mahsana and Taranga Hill;

(b) whether there is any proposal to introduce one Janta train on this section;

(c) if so, from when; and

(d) if not, the reasons for the same?

The Parliamentary Secretary to the Ministry of Railways and Transport (Shri Shah Nawaz Khan): (a) Yes.

(b) Yes; on Ahmedabad-Delhi section, on abolition of two passenger trains, one between Ahmedabad—Mehsana and the other Ajmer-Delhi.

(c) As soon as the necessary additional coaches and locomotives can be made available for the purpose which is expected sometime in 1957.

(d) Does not arise.

Regional Posts and Telegraphs Advisory Committee

***803. { Sardar Hukam Singh: / Shri Bahadur Singh:**

Will the Minister of **Communications** be pleased to state:

(a) the number of times the Regional Posts and Telegraphs Advisory Committees for Punjab, PEPSU and Delhi met during 1955;

(b) the subjects discussed at the meetings; and

(c) whether each Posts and Telegraphs Circle has got an Advisory Committee?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) Punjab and Pepsu Regional Advisory Committee. 4 times.

Delhi P. and T. Regional Advisory Committee. 3 times.

(b) Improvement in Postal, Telegraph and Telephone facilities for various places, such as opening of new post offices and mail offices, opening of new telegraph offices, telephone exchanges and enhancement of the capacity of existing exchanges, opening of new trunk lines etc.

(c) Yes.

Ganga-Brahmputra Water Transport

***804. Shri Shree Narayan Das:** Will the Minister of **Transport** be pleased to state:

(a) the progress so far made in putting into operation the three pilot projects by the Ganga-Brahmputra Water Transport Board;

(b) the total estimated expenditure on these three projects giving separate figures for each; and

(c) the expenditure so far incurred on these projects?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Orders for the barges and certain other craft for the Upper Ganga Pilot Project have been placed and orders for the tugs will be placed shortly. The project will be put into operation when the craft have been delivered. As regards the project on the tributaries to the Brahmputra surveys are in progress for determining the specifications of the craft. Specifications for the diesel ferry across the Brahmputra are being finalised and tenders will be called as soon as they are ready.

(b) The capital cost of the three projects is estimated at Rs. 25 lakhs for the Upper Ganga project, Rs. 8 lakhs for the Brahmputra tributaries project and Rs. 4 lakhs for the ferry across the Brahmputra.

(c) No expenditure has so far been incurred.

Railway Tribunal

***805. Shri T. B. Vittal Rao:** Will the Minister of **Railways** be pleased to refer to the reply given to Starred Question No. 1884 on the 19th September, 1955 and state:

(a) whether the one man Tribunal appointed in 1953 to go into certain grievances of Railwaymen, has since submitted its report;

(b) if not, when the report is likely to be received; and

(c) whether Government propose to take any steps to expedite submission of the report?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) No, Sir.

(b) and (c). It is not possible to make any definite statement at this stage at the N.F.I.R. have not, since July, 1955, had a meeting with the Board to discuss further items.

Air India International

***807. Dr. Ram Subhag Singh:** Will the Minister of **Communications** be pleased to state:

(a) whether Government are aware that a large number of passengers on the Air India International services, do not know the foreign languages in which the announcements are made in the flights; and

(b) if so, whether Government contemplate to make these announcements in Hindi also?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) The announcements are made in English and most of the passengers know English. The announcements on the ground at Bombay are repeated in Hindi after they are made in English.

(b) The question of making the announcements in flights in Hindi also is under consideration.

Tapioca

441. Shri N. B. Chowdhury: Will the Minister of **Health** be pleased to state:

(a) whether any research has been carried on about the nutritive values of tapioca;

(b) if so, what is its result; and

(c) whether under any circumstances it has any harmful effect on the human body?

The Minister of Health (Rajkumari Amrit Kaur): (a) Yes, researches on the nutritive value of tapioca have been carried out both in India and abroad.

(b) Nutritionally, tapioca is a very incomplete food. It has only about 0.5 percent protein, the rest being mostly starch. As such, a diet which consists entirely of tapioca is not capable of sustaining life over long period. Tapioca must

be supplemented by other foodstuffs particularly those which are rich in proteins in order to make up the deficiency. Tapioca starch can be considered as being equivalent in most respects to starches obtained from other sources, such as, cereals and tubers.

(c) Tapioca roots besides being deficient in proteins also contain a poisonous glucoside. This, however, can be removed by suitable methods of processing and cooking.

Allahabad-Itarsi Passenger Train

442. **Shri Kamath:** Will the Minister of **Railways** be pleased to state:

(a) whether Government are aware that the Allahabad-Itarsi passenger train on Central Railway very seldom runs to time and is often 2 hours or more late;

(b) whether the change in its timings since 1st October, 1955 is causing further inconvenience to the public particularly to those who have to catch the Delhi bound G.T. Express at Itarsi; and

(c) the steps proposed to be taken by Government in this matter?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) It is not a fact that No. 390 Allahabad-Itarsi Passenger seldom runs to time. There had however been some deterioration in the punctuality performance of this train during August and September 1955, mainly due to time lost in crossings with Express and Passenger trains on the Jabbulpore-Allahabad section with limited crossing facilities and high density of goods traffic.

(b) No such complaints have been received.

(c) Since the introduction of the Time Table from 1-10-55, there has been some improvement in the performance of No. 390 Up Allahabad-Itarsi Passenger train. Steps are being intensified to ensure the punctual running of this train.

Guramkhedi Railway Station

443. **Shri Kamath:** Will the Minister of **Railways** be pleased to state:

(a) whether any representation has been received by C.T.M. Central Railway from the people of Sohagpur tahsil with regard to the situation of Guramkhedi railway station (Central Railway); and

(b) if so, the action proposed to be taken thereon?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Yes. In December 1954, a representation was received requesting that either the station building be shifted to the other side so that it may better serve the important villages near the station, or a foot overbridge be provided.

(b) This will be considered, in its turn, along with provision of amenities at other stations.

Post Offices in Kangra District

444. **Shri Hem Raj:** Will the Minister of **Communications** be pleased to state the names of the places where post offices and telegraph offices and telephone public call offices have been opened in 1954 and are proposed to be opened in 1955 and 1956 in the Kangra District?

The Deputy Minister of Communications (Shri Raj Bahadur): A statement is laid on the Table of the Sabha. [*See* Appendix V, annexure No. 11].

Telephone Development Fund

445. **Sardar Hukam Singh:**
Shri Bahadur Singh:

Will the Minister of **Communications** be pleased to state:

(a) the amount of the accumulated balance in the Telephone Development Fund on 1st May, 1955 and on 1st November, 1955; and

(b) the amount of withdrawals from and the amount of realisation for this fund during 1955?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) The fund is closed to balance only at the end of a financial year. The balance on 31-3-55 was Rs. 235 lakhs.

(b) In the budget for current year, *i.e.*, 1955-56, the following amounts have been provided for the period from 1-4-55 to 31-3-56:—

Withdrawal	.	Rs. 65 lakhs.
Contribution	.	Rs. 40 lakhs.

P. & T. Renewals Reserve Fund

446. **Sardar Hukam Singh:**
Shri Bahadur Singh:

Will the Minister of **Communications** be pleased to state:

(a) whether the Report of the Committee appointed in December, 1951 "for determining the average lives o

assets of the Department and evolving a scientific basis for arriving at the Contribution to the Renewals Reserve Fund" has been considered by Government; and

(b) if so the contribution and withdrawal from this fund during 1954-55?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) The matter is still under the consideration of Government.

(b)

Contribution	.	Rs. 1,25 lakhs.
Withdrawal	.	Rs. 1,04 lakhs.

Indian Medical Education Conference

447. Shri Shree Narayan Das: Will the Minister of **Health** be pleased to state:

(a) the important subjects discussed at the Indian Medical Education Conference held recently in New Delhi; and

(b) the important recommendations made by the Conference?

The Minister of Health (Rajkumari Amrit Kaur): (a) the following subjects were discussed:—

1. Pre-medical studies and entrance requirements.
2. Selection of students.
3. Subjects of study and curriculum hours.
4. Subjects needing special emphasis, such as Preventive and Social Medicine, Medical Statistics; Rural Experience; Paediatrics; Psychiatry; Library and Museums; Post mortems.
5. Teaching Methods: (Didactic, Practical Integrated Teaching and Internships).
6. Examinations or assessment;
7. Selection of Teachers; Conditions of appointment; Full-time Principals.
8. Elective Time.
9. Duration of course.

(b) The recommendations of the Conference are laid on the Table. [*See* Appendix V, annexure No. 12].

Coffee

448. Shri V. P. Nayar: Will the Minister of **Health** be pleased to state the food value or infuriousness of chicory as compared of Coffee?

The Minister of Health (Rajkumari Amrit Kaur): Both Coffee and Chicory contain volatile oils which have soothing effect on the stomach, but coffee possesses, in addition, as alkaloid caffeine, which has stimulating effect on the Central nervous system. Excessive consumption of either is unwholesome.

मध्य भारत में डाक-घर

४४९. **श्री अमर सिंह डामर :** क्या **संचार** मंत्री यह बताने की कृपा करेंगे कि :

(क) मध्य भारत में कितने डाक-घर विभागीय भवनों में हैं; और

(ख) डाकघरों के लिये किराये पर लिये गये भवनों के लिये प्रतिवर्ष कितना किराया दिया जाता है ?

संचार उपमंत्री (श्री राज बहादुर) : (क) मध्य-भारत में २१ डाकघर विभागीय भवनों में स्थित हैं ; और

(ख) डाक-घरों के लिये किराये पर लिये गये भवनों पर ३६,९४८ रुपये वार्षिक किराया दिया जाता है।

कम्बोडिया के लिये चावल का निर्यात

४५०. **श्री अमर सिंह डामर :** क्या **खाद्य और कृषि** मंत्री यह बताने की कृपा करेंगे कि भारत ने कम्बोडिया को कितना चावल देने का वचन दिया है और अब तक कितना चावल दिया है ?

खाद्य तथा कृषि मंत्री (श्री ए० पी० जैन): ५,००० टन । इस मात्रा का सारा चावल भेज दिया गया है।

रेल दुर्घटनायें

४५१. **श्री अमर सिंह डामर :** क्या **रेलवे** मंत्री यह बताने की कृपा करेंगे कि :

(क) १९५३, १९५४ और १९५५ में (मार्च के अन्त तक) चलती रेलगाड़ियों

से गिरने के फलस्वरूप कितने व्यक्तियों की मृत्यु हुई तथा कितने व्यक्तियों को गहरी चोटें आईं; और

(ख) उपरोक्त कलावधि में रेल-गाड़ियों के पायदानों तथा छतों पर यात्रा करने के अपराध में कितने व्यक्तियों पर मुकद्दमे चलाये गये ?

रेलवे तथा परिवहन उपमंत्री (श्री अलगेशन) : (क) और (ख).

	१९५३	१९५४	१९५५ (मार्च तक)
मारे गये .	२१०*	१९९	४६
सख्त घायल हुये .	९७४	९६३	२४०
उन लोगों की संख्या जिन पर मुकद्दमें चलाये गये	९,२२६	५,३०२	६८३

* इनमें १-१-१९५३ से ३०-६-५३ तक के पश्चिमी रेलवे के आंकड़े शामिल नहीं हैं क्योंकि वे नहीं मिल सके हैं।

रेलवे कर्मचारियों के क्वार्टर

४५२. **श्री अमर सिंह डामर** : क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) १९५१, १९५२, १९५३ १९५४ और १९५५ में अब तक रेलवे कर्मचारियों के लिये कितने क्वार्टर बनाये गये हैं; और

(ख) वे क्वार्टर कितने कर्मचारियों को दिये गये हैं तथा उनको किस आधार पर दिया गया है ?

रेलवे तथा परिवहन उपमंत्री (श्री अलगेशन) : (क)

१९५०-५१	९,०१८
१९५१-५२	७,३६१
१९५२-५३	७,३७३
१९५३-५४	७,३५२
१९५४-५५	९,७०८

(ख) सभी क्वार्टर दिये जा चुके हैं। क्वार्टर देने में ऐसे कर्मचारियों का विशेष ध्यान रखा जाता है जिन्हें ड्यूटी पर किसी समय बुलाया जा सकता है और जिनका अपने काम के स्थान के पास रहना जरूरी है ।

टेलीफोन

४५३. **श्री अमर सिंह डामर** : क्या संचार मंत्री यह बताने की कृपा करेंगे कि १९५४ में कितने भाग 'ग' राज्यों में टेलीफोन व्यवस्था की गई और उन में से कितने स्वचलित टेलीफोन थे ?

संचार उपमंत्री (श्री राज बहादुर) । १९५४-५५ में "ग" भाग के सब-के-सब राज्यों में अतिरिक्त टेलीफ़ोन लाइनें लगायी गयीं थीं । लगाये गये अतिरिक्त टेलीफ़ोनों की कुल संख्या १,६७१ थी; इनमें से ६७९ स्वचल (automatic) टेलीफ़ोन थे ।

Railway Unions

454. **Chaudhuri Muhammed Shaffee:** Will the Minister of **Railways** be pleased to state:

(a) the number of representations received from the Recognized Unions in 1954 and 1955; and

(b) the number of cases pending for decision and the number of cases disposed of so far?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) and (b). The information is being collected from Railways and will be laid on the Table of the House.

Contributory Health Service Scheme

455. Shri D. C. Sharma : Will the Minister of **Health** be pleased to state:

(a) the total amount so far realised from the Central Government employees towards the Contributory Health Service Scheme;

(b) the total expenditure incurred by Government on the staff and equipment since the inception of the Scheme; and

(c) whether all those who are required to pay contributions are availing of the scheme?

The Minister of Health (Rajkumari Amrit Kaur): (a) Upto the end of September, 1955, Rs. 14,36,478/-

(b) Rs. 28,77,379-6-8 upto the end of September, 1955.

(c) Yes.

Medical Help to Flood-affected Areas

456. Shri Krishnacharya Joshi : Will the Minister of **Health** be pleased to state:

(a) the nature of the medical help given by different organisations in the flood-affected areas in Assam, Bihar, Orissa and Uttar Pradesh during August-September 1955; and

(b) whether in addition to the medical aid, clothing was also distributed among the people who were affected by floods?

The Minister of Health (Rajkumari Amrit Kaur): (a) and (b). The medical supplies, clothings etc., made available to the various States by different organisations upto the end of October, 1955 for relief of persons affected by floods are as in the statements attached. [*See* Appendix V, annexure No. 13].

Railway Coaches

457. Shri Krishnacharya Joshi: Will the Minister of **Railways** be pleased to state:

(a) total number of third class coaches fitted with fans in the Central Railway till 1955; and

(b) the target for the next year *i.e.* 1956?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) 920 upto 31-10-1955.

(b) 55.

Tourist Centres

458. Shri Krishnacharya Joshi : Will the Minister of **Transport** be pleased to state:

(a) whether Government have decided to develop eighty centres all over the country to encourage tourism; and

(b) if so, what is the estimated cost?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a). Various proposals for the development of a number of tourist resorts and areas are still under the consideration of the Planning Commission. It is not possible to say at this stage what the number of such centres will be.

(b) It is not possible to say at present.

Railway Concessional Tickets

459. Shri K. P. Sinha: Will the Minister of **Railways** be pleased to state:

(a) the total number of concessional tickets issued during Dusehra *i.e.* from the 14th to the 27th October, 1955; and

(b) the total amount of earnings therefrom?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a). Approximately 60,000 return tickets.

(b) Approximately Rs. 10.5 lakhs.

Transport Facilities

460. Shri Bibhuti Mishra: Will the Minister of **Railways** be pleased to state:

(a) whether any steps have so far been taken to improve the transport position on the North Eastern Railway since the 30th September 1955; and

(b) if so, what are those steps?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a). Yes. Steps continue to be taken to improve transport position on all the Railways including the North-Eastern Railway.

(b) A statement furnishing the information asked for is laid on the Table of the House. [*See* Appendix V, annexure No. 14].

Veterinary Hospitals

461. Shri D. C. Sharma: Will the Minister of **Food and Agriculture** be pleased to state:

(a) the number of veterinary hospitals opened throughout the country during 1954-55; and

(b) the number of such hospitals proposed to be opened in the years 1955-56 and 1956-57 and the names of the States where they will be opened?

The Minister of Food and Agriculture (Shri A. P. Jain): (a). *138 Hospitals and 122 Dispensaries.

(b) *A statement is laid on the Table [*See* Appendix V, annexure No. 15].

Delhi Road Transport Authority

462. Shri D. C. Sharma: Will the Minister of **Transport** be pleased to refer to the reply given to starred question No. 203 on the 25th November, 1955 and state:

(a) the increase in the number of buses that are being run at present by the Delhi Transport Authority during the current year; and

(b) total amount spent on their purchase?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a). 134.

(b) Rs. 60,30,000/-.

Railway Lines

463. Shri Ibrahim: Will the Minister of **Railways** be pleased to state:

(a) the mileage of double-railway lines in India as on the 15th August, 1947 and on the 15th August, 1955;

(b) how many miles of the double railway lines are to be covered during the next 5 years in India (State-wise); and

(c) whether the Railway Board has sanctioned a preliminary engineering survey for doubling the Railway line between Kalihar and Barsoi on the North Eastern Railway?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a).
15-8-'47..Appx. 2885 miles.
15-8-'55..Appx. 3081.

(b) The proposals for the Sections to be doubled during the Second Five Year Plan are still under investigation and have not yet been finalised.

(c) Yes, Sir.

Milch Cattls

464. Shri Ibrahim: Will the Minister of **Food and Agriculture** be pleased to state:

(a) the estimated number of milch cattle in India at present;

(b) the number of milch cattle slaughtered during the last 3 years showing separately the number of cows and she-buffaloes; and

(c) the estimated number of draught cattle, specially bulls, in the country and the number required for meeting the needs of agriculture.

The Minister of Food and Agriculture (Shri A. P. Jain): (a). 6.7 crores according to the 1951 Livestock Census.

(b) The information is not available.

(c) According to the 1951 Livestock Census, the number of draught cattle was estimated at 6·7 crores, of which 5·8 crores were bulls. No estimate of the number of draught cattle required for meeting the need of agriculturists is available.

Helicopters

465. Shri D. C. Sharma: Will the Minister of **Communications** be pleased to state:

(a) the number of Helicopters purchased during the current year; and

(b) the expenditure incurred on them?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) and (b). No Helicopter has been purchased by any civil operator.

Cancer

466. Shri D. C. Sharma: Will the Minister of **Health** be pleased to state the number of cancer patients in India at present?

The Minister of Health (Rajkumari Amrit Kaur): Information about the number of cancer patients, in India is not available.

Water Supply and Sanitation Schemes in Punjab

467. Shri D. C. Sharma: Will the Minister of **Health** be pleased to state the amount asked for by the Punjab Government for implementing their health and water supply schemes in rural and urban areas, under the National Water Supply and Sanitation Scheme, during 1955-56?

The Minister of Health (Rajkumari Amrit Kaur): A sum of Rs. 56·25 lakhs as loans for urban water supply and drainage schemes and Rs. 15·75 lakhs as grant-in-aid for rural schemes were asked for by the Punjab Government during 1955-56.

*Information from 8 State Governments has not yet been received.

Railway Accident

468. Sardar Iqbal Singh : Will the Minister of **Railways** be pleased to state:

(a) whether it is a fact that a Railway derailment took place near Rampura Phul on Northern Railway on the 4th October, 1955;

(b) if so, the nature of accident and causes of it;

(c) the number of casualties;

(d) steps taken for the payment of compensation to the dead and injured;

(e) whether any enquiry was held ; and

(f) if so, with what results ?

The Deputy Minister of Railways and Transport (Shri Alagesan) : (a) and (b). At about 0·20 hours on 5-10-55 (and not on 4-10-55 as stated in the Question) while No. 348 Down Passenger train was being backed to Rampura Phul station on the Rajpura-Bhatinda Section of the Northern Railway, due to its inability to proceed forward because of breach in the line ahead the two rear most coaches on the train got derailed due to sudden collapse of bridge No. 237 at mile 83/12-13, and fell into the breach caused in the bank by the failure of the bridge.

(c) As a result of this accident , 4 persons were killed, 1 received grievous and 3 minor injuries.

(d) The District and Sessions, Judge, Patiala, has been appointed as the ex-Officio Claims Commissioner to enquire into and determine all claims for compensation arising out of this accident.

(e) and (f). An enquiry into the accident was held by the Government Inspector of Railways, Lucknow and his provisional finding is that the derailment was caused by the collapse of bridge No. 237, brought about by the scouring action of the flood that followed an unprecedented rain in that area.

Railway Fares

469. { Thakur Jugal Kishore Sinha : Babu Ramnarayan Singh: Shri Asthana :

Will the Minister of **Railways** be pleased to state :

(a) why on Muzaffarpur region in North Eastern Railway the charge for railway fare for seasonal tickets, is more than 5 pies per mile for 24 single fares;

(b) why Muzaffarpur Railway station does not issue seasonal tickets between 12 hours and 14 hours;

(c) why seasonal tickets were not issued at Motipur Railway Station from July to September 1953; and

(d) why quarterly season ticket are not issued on Muzaffarpur region ?

The Deputy Minister of Railways and Transport (Shri Alagesan) : (a) The basis of charge for third class season tickets over the Muzaffarpur region of North-Eastern Railway is at 24 single journey fares, the basis for the single journey fares being at 5 pies per mile. In a particular case, however, the staff charged fares in excess of the correct fare under a mis-apprehension and the correct position has since been intimated to them.

(b) There is no restriction on the issue of season tickets at Muzaffarpur station between 12 and 14 hours.

(c) From July to September, 1953, season tickets were issued at Motipur station.

(d) Quarterly season tickets are issued on sections where they were previously in force when the individual railways had their own rules. On the former O.T. portion of the North-Eastern Railway, quarterly season tickets were not previously issued and hence they are not issued now.

Passenger Amenities

470. { Thakur Jugal Kishore Sinha : Babu Ramnarayan Singh : Shri Asthana :

Will the Minister of **Railways** be pleased to state what amenities are going to be provided to the passengers at different railway stations between Darbhanga and Bairagnia on North Eastern Railway in 1955-56 and 1956-57 ?

The Deputy Minister of Railways and Transport (Shri Alagesan) : A statement showing the works in connection with the provision of passenger amenities which are proposed to be taken in hand in 1955-56 or are planned for 1956-57 is laid on the Table. [*See* Appendix V, annexure No. 16]. Works planned are, however, liable to change should it be so decided when this matter is discussed with Public Amenities Committee.

Opening of Flag Stations

471. { Thakur Jugal Kishore Sinha : Babu Ramnarayan Singh: Shri Asthana :

Will the Minister of **Railways** be pleased to state whether there is any

proposal to have any flag stations between Sitamarhi and Bajpathy and between Righa and Dhang in North Eastern Railway?

The Deputy Minister of Railways and Transport (Shri Alagesan) : No. such proposal has been received recently. The proposals received in the past were investigated but were not found justified

Railway Vendors

472. **{Thakur Jugal Kishore Sinha : Babu Ramnarayan Singh : Shri Asthana :}**

Will the Minister of **Railways** be pleased to state the safeguards provided to protect the vendors from victimisation by the contractors for making complaints of sub-letting to the authorities?

The Deputy Minister of Railways and Transport (Shri Alagesan) : No specific safeguards as such have been provided.

All complaints of victimisation are gone into and appropriate action taken on the merits of each case.

Sugar-cane

473. **{Thakur Jugal Kishore Sinha: Babu Ramnarayan Singh: Shri Asthana:}**

Will the Minister of **Food and Agriculture** be pleased to state the names of the States in which the sugar factory owners are engaging Co-operative Societies as sole purchasing agents on their behalf?

The Minister of Food and Agriculture (Shri A. P. Jain) : Cane growers' Co-operative Societies for supplying cane to factories exist only in U.P., Bihar, Punjab and Pepsu. In these States cane growers, who are members of Co-operative Societies, is purchased by factories only through such Societies. In U.P. and Punjab, more than 90 per cent of the cane crushed by factories is purchased through Co-operatives. In Bihar and PEPSU almost half of the quantity crushed is so purchased.

Dakotas

474. **Shri Kamath :** Will the Minister of **Communications** be pleased to refer of the reply given to Unstarred Question No. 1165 on the 27th September, 1955 and state :

(a) whether the results of the tests conducted on the Dakota type of aircraft has been studied ; and

(b) if so, the findings thereon?

The Deputy Minister of Communications (Shri Raj Bahadur) : (a) and (b). A report has been received from the Director General of Civil Aviation on the tests conducted on Dakota aircraft and is now under examination. The Director General of Civil Aviation's conclusion is that the all up weight allowed in India is quite safe and the performance of the aircraft is satisfactory.

Agricultural Labour

475. **Shri Mohana Rao :** Will the Minister of **Labour** be pleased to state the action that Government have taken on the Report of the Agricultural Labour Enquiry Committee?

The Minister of Labour (Shri Khandubhai Desai) : The Reports on the Agricultural Labour Enquiry have been sent to all State Governments. The problems of agricultural labour as revealed by the enquiry were discussed by the Indian Labour Conference which met in Bombay in May, 1955 and also by the Labour Ministers' Conference which met at Hyderabad in November, 1955. The problems are receiving attention in connection with the formulation of the Second Five Year Plan.

Mail Transport Runners

476. **Shrimati Kamlendu Mati Shah :** Will the Minister of **Communications** be pleased to state:

(a) whether it is a fact that more runners are needed, for mail transport in the hilly regions; and

(b) if so, whether there is a proposal to increase their strength?

The Deputy Minister of Communications (Shri Raj Bahadur) : (a) Yes.

(b) The strength of runners to convey mails on a particular line is always sanctioned in consonance with the weight of mail and the distance to be covered and as such the question of considering an increase in the strength of runners does not in fact arise.

रेल के डिब्बे

४७७. **श्री बी० डी० शास्त्री :** क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) इस समय कितने प्रतिशत तीसरे दर्जे के रेल के डिब्बों में पंखे लगे हुये हैं; और

(ख) सब डिब्बों में कब तक पंखे लग जायेंगे ?

रेलवे तथा परिवहन उपमंत्री (श्री अलगेशन) : (क) (i) तीसरे दर्जे के कुल चालू ५३·३ प्रतिशत डिब्बों में (ii) रेलवे बोर्ड की नीति के अनुसार जितने डिब्बों में पंखे लगाने हैं, उनमें से ८५·४ प्रतिशत डिब्बों में पंखे लगाये जा चुके हैं।

(ख) निर्धारित नीति के अनुसार जितने डिब्बों में पंखे लगाने है उनमें ३१-३-१९५८ तक पंखे लग जायेंगे ।

Chaukulia Aerodrome

478. Shri Subodh Hasda : Will the Minister of **Communications** be pleased to state whether sufficient arrangements have been made for water supply, medical aid, housing, sanitation, for the employees of the Chaukulia aerodrome, in the Bihar State, and for the education of employees' children?

The Deputy Minister of Communications (Shri Raj Bahadur) : I lay on the Table of the Sabha a statement giving the requisite information. [*See* Appendix V, annexure No. 17]

विलम्ब शुल्क

४७९. **श्री के० सी० सोधिया** : क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) मध्य रेलवे में १९५४-५५ में कितना विलम्ब शुल्क लिया गया था ;

(ख) उसमें से कितनी रकम वसूल की गई; और

(ग) कितनी रकम माफ कर दी गई और किस कारण ?

रेलवे तथा परिवहन उपमंत्री (श्री अलगेशन) : (क) जितनी रकम लगी जानी थी . ८,५६,४८२ रुपये

(ख) जो रकम वसूल की गयी . . ८३,६४,४८९ रुपये

(ग) जो रकम छोड़ दी गयी . . १९,९९३ रुपये

विलम्ब शुल्क (demurrage) की छूट केवल उन खास हालतों में दी जाती है जिन पर माल भेजने / पानेवाले का कोई वश न हो, जैसे—

(१) मियाद के अन्दर मांगे गये क्रेनों (cranes) के मिलने में देर ;

(२) नीचे लिखे या इसी तरह के दूसरे कारणों से खास खास मामलों में माल-डिब्बों की लदाई न होना या डिब्बों का समय पर न मिलना :—

(अ) बाढ़ और रेल की पटरी में टूट फूट ;

(ब) गैर-कानूनी हड़ताल ;

(स) पुलिस की हिदायत से डिब्बों का रोका जाना ; और

(द) डाक घरों / बैंकों से रेलवे रसीदों का देर से मिलना ।

Telegraph Lines in Orissa

480. Shri Sanganna: Will the Minister of **Communications** be pleased to state :

(a) whether all the telegraph lines in the Orissa State have been brought under the administrative control of the Orissa Circle of the Posts and Telegraphs Department; and

(b) if not, the reasons therefor ?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) No.

(b) The Control and engineering maintenance of lines, repeater stations, exchange and combined offices are based on the following principles:—

(1) *Main Trunk Lines*—The Control of one complete repeater section is vested in one administration to ensure efficient maintenance.

(2) The control of an exchange or repeater station is given to the nearest executive unit to facilitate easy inspection and maintenance.

(3) On side lines, serving a net-work of Combined Offices, the net-work is treated as a whole and the control of Engineering maintenance is given to the main testing centre in the net work.

Grading of Rice and Paddy

481. **Dr. Ram Subhag Singh:**
Shri Sanganna:

Will the Minister of **Food and Agriculture** be pleased to state :

(a) whether Government have prepared any plan for the commercial grading of rice and paddy standard; and

(b) if so, when that plan is likely to be introduced ?

The Minister of Food and Agriculture (Shri A. P. Jain) : (a) Grading of varieties of rice on voluntary basis is already being done in U.P., Bombay and Madras States. It is proposed to extent the grading activities to other varieties of rice and all important rice producing areas, as and when there is sufficient demand for such grading. No plan as such has been prepared.

(b) Does not arise.

Sugarcane

482. **Thakur Jugal Kishore Sinha:**
Babu Ramnarayan Singh:
Shri Asthana:

Will the Minister of **Food and Agriculture** be pleased to state:

(a) the full requirement of sugarcane for running all the factories to their full capacities for the full crushing season ;

(b) the estimated supply of cane in 1955-56 season;

(c) the estimated output of sugar ; and

(d) the steps that have been taken to ensure the purchase of all available canes ?

The Minister of Food and Agriculture) (Shri A. P. Jain): (a) There are 149 registered sugar factories with a total daily crushing capacity of 1·37 lakh tons of sugarcane. On the basis of a normal crushing season of 120 days the full requirement of sugarcane comes to 164 lakh tons.

(b) and (c). The crushing season 1955-56 has just started and it is too early to give a reliable estimate either of supply of cane or output of sugar. During 1954-55 season, a total quantity of 160 lakh tons sugarcane was crushed by 136 factories with an average crushing season of 129 days, and the total production of sugar was 15·9 lakh tons. The supply of cane and the output of sugar in 1955-56 season might not be less having regard to the increase in the area under sugarcane, although the crop in certain parts have been damaged by floods and heavy rains.

(d) The question of taking any steps will arise only if towards the end of the current crushing season any surplus quantity of sugarcane is reported.

Division Headquarters

483. **Thakur Jugal Kishore Sinha:**
Babu Ramnarayan Singh:
Shri Asthana:

Will the Minister of **Communications** be pleased to state:

(a) which of the headquarters of a division are not within the circle to which they belong ;

(b) whether any request has been received for shifting such headquarters within the same circles; and

(c) if so, Government's reaction thereto ?

The Deputy Minister of Communications (Shri Raj Bahadur) : (a) the question apparently refers to the headquarters of R. M. S. 'C' Division attached to the Bihar Postal Circle and of the R.M.S. 'N.' Division attached to the Orissa Circle, at present located at Calcutta.

Headquarters of R.M.S. 'D' Division of Punjab Circle also are located at Delhi.

(b) Yes, in so far as 'C' and 'N' Divisions are concerned.

(c) The matter is under consideration.

Coal Mines Welfare Fund

484. **Shrimati Sushama Sen:** Will the Minister of **Labour** be pleased to state :

(a) the present amount of the Coal Mines Welfare Fund;

(b) the number of qualified welfare workers—men and women doctors and nurses employed in the Coal Mines Welfare Fund Organisation ;

(c) the number of creches provided so far in the collieries; and

(d) the number of play grounds provided out of the Fund ?

The Minister of Labour (Shri Khandubhai Desai): (a) Rs. 4,86,36,979 on 30-9-1955.

(b) 364.

(c) 230; additional 65 are under construction.

(d) 39; additional 6 are under construction.

Rail Cars

485. Sardar Iqbal Singh : Will the Minister of **Railways** be pleased to state :

(a) the number of rail cars imported and the cost of each;

(b) from which country these were imported; and

(c) places where these cars have been introduced ?

The Deputy Minister of Railways and Transport (Shri Alagesan) : (a) and (b). 12 from Japan at Rs. 3,12,000 each f.o.r. India; 12 from Italy at Rs. 3,92,000 each f.o.r. India.

(c) These are to be introduced on the Northern and Southern Railways.

Railway Accidents

486. Sardar Iqbal Singh : Will the Minister of **Railways** be pleased to state:

(a) the number of accidents during the past one year due either wholly or partly to defects in railway bridges ; and

(b) the magnitude of such accidents ?

The Deputy Minister of Railways and Transport (Shri Alagesan) : (a) and (b). There was no accident due to defective railway bridges from 1-1-1955 to 30-11-1955. There was, however, an accident over a bridge on the Northern Railway which was suddenly washed away by floods.

4 persons were killed and 4 received injuries as a result of this accident.

The approximate cost of damage to Railway property was Rs. 29,450.

Minor Irrigation Schemes in Punjab

487. Sardar Iqbal Singh : Will the Minister of **Food and Agriculture** be pleased to lay on the Table of the House a list of minor irrigation schemes for the State of Punjab for which a sum has been sanctioned for 1955-56 by the Central Government ?

The Minister of Food and Agriculture (Sri A. P. Jain) : A statement giving the required information is laid on the Table. [*See* Appendix V, Annexure No. 18].

Forged Railway Tickets

488. Sardar Iqbal Singh : Will the Minister of **Railways** be pleased to state :

(a) the number of cases of forged tickets detected on the Railways since 1953;

(b) the number of cases in which the culprits were punished ; and

(c) the steps taken by Government in this matter ?

The Deputy Minister of Railways and Transport (Shri Alagesan) : (a), (b) and (c). Information is being collected and will be laid on the Table of the House.

Automatic Telephone Lines (Rajasthan)

489. Shri Bansilal: Will the Minister of **Communications** be pleased to state:

(a) the number of places in Rajasthan which have automatic telephone lines;

(b) whether Government are taking any action to instal automatic telephone line in Jaipur city; and

(c) if so, when it would be installed ?

The Minister of Communications (Shri Raj Bahadur) : (a) 2.

(b) Yes.

(c) By early 1958.

DAILY DIGEST

[*Tuesday, 13th December, 1955*]

ORAL ANSWERS TO QUESTIONS

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S.Q. No.	Subject	COLUMNS
752.	Post Office Savings Bank Accounts (Pakistan)	877—80
753.	Overseas Communications	880—81
754.	Banihal Tunnel Project	881—82
755.	Railway Accident	882—84
756.	Railway Corruption Enquiry Commitee	884—85
757.	Alagesan Committee	885—86
758.	Great Eastern Shipping Company	886—87
759.	Wireless Station in Ladakh.	887—88
760.	Locomotive Contracts	888—89
761.	International Red Cross Society	889—91
763.	Shipping	891—92
764.	Shipping	892
765.	Cow Slaughter	892—93
766.	Postal Savings Bank Account (Mis-appropriation of Money)	*893*
767.	Railway Workshop (Gorakhpur)	893—94
768.	Afforestation	894—95
769.	Manipur	895—96
770.	Crop Protection	896
771.	Sindhi Displaced Employees on Railways	897
772.	Wagon Shortage	897—99
773.	Telegraph Offices	899
775.	Railway Booking at Shalimar	899—901
779.	Production of Oil Seeds	901
780.	Calcutta Port	902
784.	Anti-Malaria Squad in Tripura	903
785.	Aerodrome at Kurnool	903—04
786.	Train Accident	904-05
788.	Bengal Provincial Railway Company Dispute	905—06
789.	Telephone Exchanges (Punjab)	906

SHORT NOTICE QUESTION AND ANSWER

S.N.Q. No.		
3.	Air-Crash at Calcutta	907—08

WRITTEN ANSWERS TO QUESTIONS

908—40

S.Q. No.	Subject	COLUMNS
751.	Delhi Water Supply	908—09
762.	Tuberculosis	909
770A	Pilgrim Trains	909—10
774.	Catering Contracts on Railways	910
776.	Heron Aircraft	910—11
777.	Airlifting of Second Class Mail	911
778.	Sugar-cane Prices	911
781.	Hirakud Dam	912
782.	Vacuum Breaking in Metre Gauge Trains	912
783.	Trade Delegations	913
790.	Collection from Telephones	913
791.	Universal Postal Union	913
792.	Co-operation	914
793.	Narbada Bridge	914
794.	Delhi-Madras Janata Express	915
795.	Polio	915
796.	Fruit Growing Schemes	915—16
797.	Assistance to Western Nigeria	916
798.	Air Taxies India	916
799.	Salary Advance to Railway Employees	916—17
800.	Telegraph Offices	917
801.	Post and Telegraph Offices, Bihar Circle	917—18
802.	Over-crowding in Trains	918
803.	Regional Posts and Telegraphs Advisory Committee	918—19
804.	Ganga-Brahmputra Water Transport	919
805.	Railway Tribunal	919—20
807.	India International	920
U.S.Q. No.		
441.	Tapioca	920—21
442.	Allahabad-Itarsi Passenger Train	921
443.	Guramkhedi Railway Station	921—22
444.	Post Offices in Kangra District.	922
445.	Telephone Developments Fund	922

WRITTEN ANSWERS TO QUESTION—*Contd.*

U.S.Q. No.	Subject	COLUMNS
446.	P. & T. Renewals Reserve Fund	922-23
447.	Indian Medical Education Conference	923
448.	Coffee	923-24
449.	Post Offices in Madhya Bharat	924
450.	Rice Export to Cambodia	924
451.	Railway Accidents	924-25
452.	Railway Staff Quarters	925-26
453.	Telephones	926
454.	Railway Unions	926
455.	Contributory Health Service Scheme	927
456.	Medical Help to Flood-affected Areas	927
457.	Railway Coaches	927
458.	Tourist Centres	928
459.	Railway Concessional Tickets	928
460.	Transport Facilities	928
461.	Veterinary Hospitals	928-29
462.	Delhi Road Transport Authority	929
463.	Railway Lines	929
464.	Milch Cattle	929—30
465.	Helicopters	930
466.	Cancer	930
467.	Water Supply and Sanitation Schemes in Punjab	930
468.	Railway Accident	931
469.	Railway Fares	931—32
470.	Passenger Amenities	932
471.	Opening of Flag Stations	932—33
472.	Railway Vendors	933
473.	Sugarcane	933
474	Dakotas	933—34
475.	Agricultural Labour	934
476.	Mail Transport Runners	934
477.	Railway Coaches	934—35
478.	Chakulia Aerodrome	935
479.	Demurrage Charges	935—36
480.	Telegraph Lines in Orissa	936
481.	Grading of Rice and Paddy	937
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483.	Division Headquarters	938
484.	Coal Mines Welfare Fund	938
485.	Rail Cars	939
486.	Railway Accidents	939
487.	Minor Irrigation Schemes in Punjab	940
488.	Forged Railway Tickets	940
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Dated 12.12.2014

LOK SABHA

Tuesday, 13th December, 1955

The Lok Sabha met at Eleven of the Clock

[MR. DEPUTY-SPEAKER *in the Chair*]

QUESTIONS AND ANSWERS

(*See* Part I)

12 NOON

CODE OF CIVIL PROCEDURE (AMENDMENT) BILL

PRESENTATION OF REPORT OF JOINT COMMITTEE

Shri Barman (North Bengal—Reserved—Sch. Castes): I beg to present the Report of the Joint Committee on the Bill further to amend the Code of Civil Procedure, 1908.

CONSTITUTION (EIGHTH AMENDMENT) BILL—*Concld.*

Clause 2— (*Amendment of article 3*)

Mr. Speaker: We will now proceed to the clause by clause consideration of the Bill further to amend the Constitution of India.

Shri Joachim Alva (Kanara): May I interrupt and ask one thing? I believe you stated yesterday that voting may take place at 2 P.M. Is it not possible that both the votings for consideration and the final passing may simultaneously take place at about 2 o'clock?

Mr. Speaker: I believe, there is some misunderstanding on the part of the hon. Member and, perhaps, of other hon. Members also. Two hours' time has been allotted for all the remaining stages of the Bill and the anticipation was that we might take it at 12 and that at 2 P.M. voting will take place But, if the House is prepared to finish the Bill earlier, we shall have the voting earlier than that. If not, then, of course, by 2 P.M. at the latest. That is the position.

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): Will there be two votings or one? Both at 2 o'clock?

Mr. Speaker: There will be two divisions. But the first division has necessarily to be before 2 o'clock—at any time between 12 and 2,—as soon as the consideration motion is finished. It was decided yesterday that the lunch convention shall be suspended. The hon. Minister.

The Minister of Law and Minority Affairs (Shri Biswas): Sir, I do not think I am called on to say anything because I expect none of the amendments will be moved by the hon. Members who have given notice of them. All that I need say is to express my thanks to the hon. Members for the realistic and helpful attitude they took up. (*Interruption*)

Mr. Speaker: So, I will first enquire as to which of the amendments are going to be moved. I will take them in order. The hon. Members may reply whether they are moving or not.

No. 2, Shri Algu Rai Shastri—absent

No. 10, Shri Shree Narayan Das—is he moving his amendment?

Shri Shree Narayan Das (Darbhanga Central): Yes, Sir, I am moving my amendment.

Mr. Speaker: No, 1, Shri Sadhan Gupta—absent.

No. 12, Shri Mulchand Dube—is he moving?

Shri Mulchand Dube (Farrukhabad Distt.-North): Yes, I am moving, Sir.

Mr. Speaker: Amendment No. 13, Shri Bogawat—is he moving?

Shri Bogawat (Ahmednagar South): I am not moving, Sir.

Mr. Speaker: Amendment No. 24 is the same as No. 13; I will just call the name. Shri Dasaratha Deb.

Shri Biren Dutt (Tripura West): I am moving, Sir.

Mr. Speaker: No. 14, Shri Mulchand Dube—and 15 also. He is not replying. He does not move. Amendment No. 25, Shri Dasratha Deb.

Shri Biren Dutt: Sir, I am moving.

Mr. Speaker: No. 3, Shri Kamath.

Shri Kamath (Hoshangabad): I am moving.

Mr. Speaker: Amendment No. 16, Shri Mathew.

Shri Mathew (Kottayam): Sir, I am not moving.

Mr. Speaker: No. 17.

Pandit Thakur Das Bhargava (Gurgaon): Not moving.

Mr. Speaker: No. 18.

Shri Kesavaiengar (Bangalore North): Not moving.

Mr. Speaker: No. 4.

Shri Kamath: I am moving it.

Mr. Speaker: No. 19.

Shri Bogawat: Not moving.

Mr. Speaker: No. 20.

Pandit Thakur Das Bhargava: Not moving.

Mr. Speaker: No. 5. Shri Algu Rai Shastri is absent. Then, No. 21.

Shri V. G. Deshpande (Guna): I am moving it.

Mr. Speaker: No. 22.

Shri N. C. Chatterjee (Hooghly): Not moving.

Mr. Speaker: No. 23.

Shri S. V. Ramaswamy (Salem): Not moving.

Mr. Speaker: I shall just state which amendments are going to be moved and hon. Members may check up and if any is left out, my attention may be invited to it. The amendments that are to be moved are 10, 12,....

Shri Mulchand Dube: My amendment Nos. 14 and 15....

Mr. Speaker: He might note them down, but when I called No. 15, he was not attentive. I think, however, that it is the same thing as amendment No. 25 which is being moved and he can check it up.

The amendments that are to be moved are 10, 12, 24, 14, 25, 3, 4, and 21.

I think there is no other amendment to be moved. The hon. Members who wish to move their amendments may now do so.

Shri Biswas: There is one amendment standing in my name.

Mr. Speaker: That will come to clause 1 which we shall take later. I am now on clause 2.

Shri Shree Narayan Das: I beg to move:

Page 1—

for clause 2 *substitute*:

"2. *Amendment of article* 3. In article 3 of the Constitution, for the proviso, the following provisos shall be substituted, namely:—

'Provided that no Bill for the purpose shall be introduced in either House of Parliament except on the recommendation of the President:

Provided further that the President shal not make such recommendation where the proposal contained in the Bill affects the area, boundaries or name of any of the States

specified in Part A or Part B of the First Schedule unless the Bill has been referred by the President to the Legislature of that State for expressing and communicating its views thereon within such period as may be specified in the reference or within such further period as the President may allow and until the expiration of the period so specified or so allowed and until the views so expressed have been published in the Gazette of India."

Shri Biren Dutt: I beg to move:

(1) Page 1, line 11—

after "Part B" *insert* "or Part C".

(2) Page 1, line 12 and 13—

after "Legislature of that State" *insert* "and the electoral colleges of Tripura and Manipur".

Shri Kamath: I beg to move:

(1) Page 1, lines 13 and 14—

for "within such period as may be specified in the reference". *substitute* within a period of not less than three months to be specified in the reference".

(2) Page 1, line 16—

add at the end: "and the views so obtained have been placed before Parliament."

Shri V. G. Deshpande: I beg to move:

Page 1—

after line 16, *add*:

"Provided further that a provision involving complete merger of a Part A or Part B State into other State or States will not be made in the Bill unless majority of the members of the Legislature in that State has voted for such merger."

Mr. Speaker: These amendments are now before the House.

Shri Kamath: I have moved my amendments Nos. 3 and 4. The purpose of amendment No. 3 is this. It is to substitute for the words "within such period as may be specified in the reference" the words "within a period of not less than three months to be specified in the refernce". I want to prescribe a minimum period. Parliament should lay down a minimum period so that we may convey a solemn assurance to all the State Legislatures that the rights and powers conferred upon them by the Constitution in so far as this vital matter is concerned are in no way affected or curtailed. The procedure adopted in regard to this Bill, unfortunate as it has been, has also had tragic repercussions outside. We have to bear in mind that this is a Constitution (Amendment) Bill and not an ordinary piece of legislation. Even ordinary Bills go to Select Committee, but this has not gone to Select Committee. A vital rule was suspended and, thereby, you. Sir, were practically by-passed. The indecent haste with which the Government and their party have gone about in this matter has created such a bad impression outside on the people and even on the M.L.As. in the States that I would like to introduce this particular safeguard. Two days after the rule was suspended and the Bill was introduced, I had a letter from a Congress M.L.A. from one of the States—I do not wish to mention his name.....

Shri Velayudhan (Quilon *cum* Mavelikkara-Reserved-Sch. Castes): Are you sure he is a Congress M.L.A.?

Shri Kamath: I know him personally. He expressed astonishment at the procedure Parliament had adopted and I do not want to quote the whole letter—ended by saying that this Parliament appeared to ride rough-shod over the State Legislatures also.

The Minister of Natural Resources (Shri K. D. Malaviya): I am glad that he had drawn some inspiration from a Congress member.

Mr. Speaker: The hon. Member need not mind the interruptions.

Shri Kamath: I am thankful to you if they are not so worth while, but I wish they were more audible.

Mr. Speaker: They should not be audible at least to the hon. Member.

Shri Kamath: In this particular matter, the House will recall—those colleagues of mine who were in the Constituent Assembly and those who are familiar with constitutional law all over the world—that a Bill of this kind lays down a definite *modus operandi*, a definite and rigid *modus operandi* because it is an important matter. However unimportant may be a particular amendment, the fact that it is an amendment to the Constitution at once inroduces a vital matter before the House. One of the recent constitutions, the Irish Constitution, lays down, I believe, that the Bill must go before the country and must be before the country for six months and only then the Irish Diet can take it into consideration. Our Constitution has not made a provision of that nature. I tried to introduce it in the Constitution, but it was not acceptable to the majority of the Constituent Assembly, but that is another matter. We are grateful, as you were pleased to say yesterday, that this would not be a precedent, but I was not happy at all over what has happened. I could not understand—and I cannot even now understand—the why of it. If we had informal consultations, why could there not have been a Select Committee? And the same time would have been taken by it, the procedure would have been duly followed and it would have been a good precedent for the future and no departure of a vital character would have been made

Dr. Lanka Sundaram (Visakhapatnam): Why not the whole House go into committee?

Mr. Speaker: Hon. Members are aware that we have a limited time for discussion and let him finish his speech. Hon. Members, time permitting, will have an opportunity of putting questions and getting replies. Otherwise, he will go on for a much longer time than justifiable.

Shri Kamath: If there had been a Select Committee on this Bill, a correct precedent would have been created in the House. Anyway, what has happened has happened and it is unfortunate, but today we are face to face with this Bill and we have to make the best of a bad job. Therefore, by this first amendment of mine, I would like to fetter the Government's hands. Government may say "We are always reasonable and we will see that a reasonable period is given" and things of that sort. But we Members of Parliament are concerned more with the Members of the State Legislatures, not the Governments as such. We have to look their interests. Therefore, it is very essential that Parliament must convey to these—our counter-parts in the States' legislatures—that we are anxious to safeguard their rights. If that is not done it may be that the Government—the President means the Government and I need not dilate upon that—might only prescribe one month's period for this important business.

The argument may be advanced that the SRC report has been before the country for months now and that the States Assemblies have considered that report. People also have had an opportunity to look into the report and give their reactions, views, etc. If you look at the provisions of this Bill, you will see that it refers to the Bill that the Government propose to introduce in the Parliament and not the report at all. The Bill I am sure will be in an entirely different from the proposals in the report. Therefore, it is all the more necessary that a Bill particularly of this character—it is almost inevitable that the Bill will be different from the proposals of the SRC—must be before the State legislatures for at least a month or so.

[MR. DEPUTY-SPEAKER *in the Chair*]

The Assemblies may take some time in meeting. It is not easy. The communication from the Centre to the States will take some time. The Assembly has to be summoned and it has to meet. Perhaps the M.L.As. will have to go and contact their constituents because the Bill may be and, will be, of a different character from what they have seen in the SRC report. They might have contacted the constituents only with reference to the proposals of the SRC. If the Bill is of a different nature it is very necessary that the MLAs should have an opportunity to contact their constituents and get their views with regard to the provisions of the Bill that the Government is going to introduce.

Notices of some amendments were given prescribing a ceiling or a maximum period of three months; that is obsolutely pointless. The maximum of three months is as good as no limit or no minimum at all. It may be in 15 days or a month. There is no point in moving an amendment suggesting a maximum with regard to the period. The minimum is very very necessary so as to ensure that there would be adequate time given for the Governors in the States to summon the assemblies, and for the MLAS to contact their constituents with regard to the provisions of this Bill and for the Assemblies to meet and discuss and to transmit their proceedings to the Centre.

The other amendment No. 4— is this, that the views obtained by the Government from the States should be placed before the Parliament. The Bill should not be introduced without that being done. I would even like that the entire proceedings of the State Assemblies should be called for. If these conditions are ensured by accepting these amendments then whatever has happened during the last few days might be rectified. The ineptitude of the Government followed by—If I may say so the myopic folly of the Benches—in moving for the suspension of a vital rule has led to certain apprehensions. If this attitude takes root on the Benches opposite, the day is not far distant when our Constitution will be reduced to a mere scrap of paper. (*An Hon. Member*: of course) I do not know what this 'of course' means. I wish at least to put off that evil day. As far as it lies in our power. let us put off that evil day. We have suspended the rules; we have dispensed with the Select Committee; we have even reduced the time to about two hours. This procedure has to a large extent derogated from—I do not say the sanctity of the Constitution but certainly—the very vital and important principles of he Constitution of any country. Far more important than any other Bill, is this amending Bill. All Important Bills go to Select Committees. Even small amending Bill to the Constitution must go before a Select Committee; this too must have gone to the Select Committee. It should have been published in the Gazette a month earlier so that it might have been before the country, so that the people could also have had an opportunity. That has not been done. No Select Committee was appointed, but there were only informal consultations. It is very irregular; it was not proper at all for an amending Bill of this nature. I am afraid, if this amendment is not accepted, it will prove, conclusively, to the hilt Government's desire, prepardeness or readiness to ride roughshod over Parliament and the State legislatures.

The Minister of Defence Organisation (Shri Tyagi): How can it be 'roughshod' when there is only one vote against?

Shri Kamath: I am talking of the procedure adopted. At any rate, I hope it will not be a precedent. The Speaker has said so. The atmosphere that has been created is very unfortuna'e and therefore, I would like to see that this atmosphere is to a large extent, as far as it lies in our power,

[Shri Kamath]

rectified. I, therefore, commend my two amendments for the acceptance of this House.

श्री वी० जी० देशपांडे : उपाध्यक्ष महोदय, मैं क्रमांक २१ नवम्बर, का संशोधन सदन के सम्मुख रखता हूं । मेरा संशोधन इस प्रकार है :

"Page 1—

after line 16, *add*:

"Provided further that a provision involving complete merger of a Part A or Part B State into other State or States will not be made in the Bill unless majority of the members of the Legislature in that State has voted for such merger."

यह संशोधन इस हेतु से नहीं रक्खा जा रहा है कि राज्य पुनर्गठन आयोग का जो प्रत्यावर्त्त है उस में कोई विलम्ब उपस्थित हो और मैं स्पष्ट कर देना चाहता हूं कि हम यह नहीं चाहते कि सरकार ने जो कार्यक्रम बनाया है, उसमें किसी प्रकार की दखल हो क्योंकि यह विषय देश के सामने करीब एक वर्ष से पेश है और हर एक पहलू उसका जनता के सम्मुख है । इसी के कारण संविधान सभा में इस प्रकार का मत ठीक प्रकार से प्रदर्शित होने वाला है । हम ने जो पहला संविधान बनाया था उस में इसी के लिये यह किया था, देश में जब पहला संविधान बनाया गया तब धारणा यह थी कि प्रान्तों की पुनर्रचना की जायेगी । पर इस पार्लियामेंट और प्रान्तों की पुनरचना के बाद आखिर कुछ स्थैर्य रहना चाहिये या नहीं, यह सब से महत्वपूर्ण विषय है क्योंकि हम जब संविधान में संशोधन कर रहे हैं तो यह केवल कल या परसों या अगली फरवरी में जो विधान हमारे सामने आने वाला है उसी के लिये नहीं है । संविधान में संशोधन को एक ही दफा किया जाता है पर उस के लिये यह ध्यान में रखना बहुत आवश्यक है कि जो कुछ भी संशोधन किया जाय उस में स्थैर्य हो । हो सकता है कि इस पुनरचना के बाद भी किसी प्रान्त को हटाने का प्रयत्न किया जाय । जैसा कामत साहब ने कहा अगर आज की सरकार कोई कालावधि निर्धारित नहीं करती है तो आगे चल कर गड़बड़ी पड़ सकती है । आज की सरकार तो समझदार है, रीजनेबल समय में काम कर सकती है, ऐसे प्रश्नों पर विचार करने के लिये साल दो साल भी दे सकती है, परन्तु कल ऐसी परिस्थिति भी आ सकती है कि किसी एक प्रान्त के खिलाफ़ दो चार प्रान्त एकत्रित हों, या किसी भी प्रान्त के लोगों के विषय में कोई सरकार अन्याय करना चाहती हो और बाकी प्रान्तों को इस बात की समझ न हो, और इस सभा में उस की चर्चा न हो, जनता के सामने वह संशोधन आ जाय इतना समय न दिया जाय, तो क्या ऐसी हालत में हम उस प्रान्त के लोगों को इतना समय नहीं देंगे कि वह अपने भविष्य के बारे में विचार भी कर सकें । अगर किसी प्रान्त को समूल नष्ट करना हो तो क्या आप उस के लोगों के मत का विचार नहीं करेंगे ? आज तो हो सकता है कि आप उन के विचार विमर्श कर के उन के विचार जान लें, लेकिन जैसे आज आप ग श्रेणी और ख श्रेणी के राज्यों को समाप्त कर देना चाहते हैं उसी तरह से कल की सरकार महीने दो महीने, हफ्ते दो हफ्ते, रोज दो रोज या घंटे दो घंटे में किसी राज्य को समाप्त कर देना चाहे तो क्या यह देखने की आवश्यकता नहीं है कि उस प्रान्त की विधान सभा का बहुमत इस के पक्ष में है या नहीं । इतनी सी बात मैं आप से पूछता हूं । इसी दृष्टि से मैं ने यह संशोधन दिया है । क्योंकि आज भी हम देखते हैं कि मध्य भारत ख श्रेणी का राज्य है । हम देख रहे हैं कि वहां के सभी क्षेत्रों ने, वहां की विधान सभा के लोगों ने, वहां के सब राजनैतिक दलों ने, म्यूनिसिपैलिटियों ने, बार ऐसोसियेशनों ने,

सभी ने एक मत से यह विचार व्यक्त किया है कि मध्य भारत को मध्य प्रदेश में नहीं मिलाया जाना चाहिये । परन्तु उन का इतना प्रचण्ड बहुमत होते हुये भी हम क्यों उन को जबर्दस्ती दूसरे प्रान्तों से मिला रहे हैं ? दूसरे प्रान्तों के बारे में, जैसे बम्बई है, आप कहते हैं कि बहुमत की राय नहीं है कि उस को दूसरे प्रान्त में मिलाया जाय, लेकिन मध्य भारत के विषय में इतना प्रचण्ड विरोध होते हुये भी आप जनता की इच्छा के विरुद्ध कार्य करने जा रहे हैं । आज तो खैर कुछ भी हो जाये, लेकिन आगे भविष्य में इस प्रकार की बुरी परिस्थिति इस देश में न हो इस के लिये मैं ने यह संशोधन रक्खा है ।

मैं कहता हूं कि इस आयोग के बारे में आप का जो रवैया है उस से मेरा विरोध जरूर है, परन्तु आयोग की जो सिफारिश है उस के सम्बन्ध में मैं चाहता हूं कि पार्लियामेंट जल्दी से जल्दी फैसला करे कि उस को क्या करना है । परन्तु आगे के लिये जो सेट-अप आप प्रान्तों का आज बना रहे हैं उस को बदलने के रास्ते में जितने रोड़े अटकाये जा सकते हैं उतने रोड़े अटकाये जाने के पक्ष में मैं हूं । इसी लिये जान बूझ कर मैं ने यह संशोधन रक्खा है । मैं ने आज ही देखा कि संविधान में संशोधन करते समय पहले आपने यह रक्खा था कि प्रवर समिति को यह विधेयक भेजा जाना चाहिये । बाद में हमारे विरोधी दल के सदस्य श्री हीरेन मुकर्जी ने, जो कि आक्सफोर्ड ग्रेजुएट की डिगरी से विभूषित हैं, बड़ी अलंकृत भाषा का प्रयोग किया । उस को आप समझे नहीं । कलकत्ते के लोगों से मुझे मालूम हुआ कि जब बेरीबेरी की बीमारी आई तो एक ग्राहक ने व्यापारी से कहा कि जो व्हाइट आयल मस्टर्ड आयल में मिलाया जाता है उस से बेरीबेरी हो जाती है । इससे अच्छा तो यह होता कि व्हाइट आयल के बजाय मस्टर्ड यानी सरसों के तेल में जहर मिला दिया जाता । उस व्यापारी ने उस में जहर मिला दिया और बेचना शुरू कर दिया । जब उस को मैजिस्ट्रेट के सामने ले जाया गया तो उस ने कहा कि ग्राहक ने ही तो मुझे सूचना दी थी कि जहर मिलाया जाय तो अच्छा है । इसी तरह से श्री हीरेन मुकर्जी ने अध्यक्ष महोदय से कहा कि इस बिल को आइडेन्टिकल न कहने के बजाय रूल को ही क्यों न सस्पेंड कर दें । उन के कहने से रूल आफ प्रोसीजर को भी सस्पेन्ड कर दिया गया । उस के बाद इस विधेयक को प्रवर समिति में भी नहीं भेजा गया, क्यों नहीं भेजा गया इस का मुझे पता नहीं । और आज उस पर चर्चा भी हो रही है । यानी हर एक चीज में प्रोसीजर को सस्पेन्ड कर दिया गया । इस से मेरे हृदय में भय होता है कि यह तो ठीक है कि आज कोई बुरी बात नहीं हो रही है, लेकिन इस प्रकार की आदत सदन को नहीं पड़नी चाहिये । मुझ को मालूम है कि प्रारम्भ में तो आप एक बात कर जाते हैं लेकिन बाद में आदत पड़ जाने पर किसी चीज के विषय में यह हो सकता है कि जब चाहा एक घंटे के अन्दर मन में आते ही कि प्रोसीजर तोड़ दें, उस को तोड़ दिया । अगर हम इस तरह की बातें करने लगें तो कैसे काम चलेगा । मेरा भगवान में विश्वास है, मैं ने उस की शपथ ली है कि मैं संविधान का पालन करूंगा, आज सेकुलर राज्य के लोगों को भले ही परमेश्वर का ध्यान न हो । लेकिन हम ने संविधान के प्रति जो शपथ ली है उस के प्रति इस प्रकार का खिलवाड़ करना मैं अच्छा नहीं समझता हूं । राज्य के फ्यूचर सेट-अप के बारे में इस प्रकार की आदत होना ठीक नहीं है । आज तो विधेयक के आने में दो महीने पड़े हैं, इस के लिये मैं धन्यवाद देता हूं, लेकिन हो सकता है कि कल कोई दो घंटे के अन्दर यह तय कर ले कि हमें तो प्रान्तों का भविष्य बदलना है और उस को तुरन्त कर डाले बिना राज्य के विचारों को जाने हुए तो यह ठीक नहीं होगा । इस-

[श्री वी० जी० देशपांडे]

लिये इस सम्बन्ध में कुछ समय तो निर्धारित होना चाहिये कि कब तक राज्य अपने विचार भेज दें । आगे देश में जो राज्य बनेंगे उन के बारे में, खास कर जहां तक पूरा ही समाप्त करने का विषय है उस के बारे में तो अवश्य ही इस का ध्यान रक्खा जाना चाहिये । मान लीजिये कि कोई महाराष्ट्र के राज्य को या उत्तर प्रदेश के राज्य को पूरा ही समाप्त करेना चाहे, कल देश में ऐसी हवा आ जाय कि कंटिगुइटी हो या न हो उत्तर प्रदेश को गुजरात के साथ मिला दिया जाय । दूर की काई बात नहीं है लेकिन दोनों को मिलाया जरूर जावे, और हिन्दुस्तान की सरकार भी इस पक्ष में हो कि राज्य के लोगों की इच्छा के विरुद्ध उत्तर प्रदेश को गुजरात से मिला दिया जाय, तो वह रूल को सस्पेन्ड कर के अवश्य कर लेगी । इसी कारण से मैं इस प्रकार का रोड़ा अटकाना चाहता हूं, खास कर मध्य भारत में इस प्रकार की जीवन मरण की समस्या हमारे सामने आई है । इसलिये मैं सदन से प्रार्थना करना चाहता हूं कि इस प्रकार की रुकावट इस विधान के स्वरूप में अवश्य डाली जाय ।

Shri N. C. Chatterjee: Mr. Deputy-Speaker, I was very happy that yesterday the Speaker and all sections of the House accepted my humble suggestion that although we are not having a formal Select Committee we should have a chance of discussing the matter with the hon. Home Minister and the Law Minister. I am happy that we had the privilege of having a very fair and frank discussion with them, and, after that, I should appeal to the House not to press any amendment but to accept the Constitution Amendment Bill as it has been framed.

Shri S. S. More (Sholapur): Will Shri V. G. Deshpande follow that?

Shri N. C. Chatterjee: I am appealing now to Shri V. G. Deshpande also and I hope he will accede to my request. I am giving my reasons why I say so. This Reorganisation Commission's Report has raised acute controversies. As you know, people from Maharashtra, Bengal, Orissa, those who championed the cause of Madhya Bharat and Visal Andhra have very serious points to make which will be duly placed before the House. They are very much perturbed. I hope they will place it with cogency and moderation and with due stress. I have no doubt that will be done. But, one thing is certain. I am one of those who are thoroughly opposed to the suggestion that anything should be done to put this S. R. C. Report in cold storage. One great statesmen and one hon. Minister are reported to have suggested that it should be put in cold storage for years to come. That is a counsel of despair and I thoroughly disagree with them. Even if it comes from a man of the position of Rajaji I honestly feel that it is not a suggestion which should be accepted.

We have many points of difference with this report of Sir Fazal Ali's Commission, but one thing they have stated is that they have firmly rejected the suggestion that the reorganisation scheme should be postponed for at least 20 or 25 years. I agree with them that the problem of reorganisation has become emergent because India with a programme of large scale planning has to think in terms of enduring political unity. In the interest of inter-provincial amity and the larger interests of India as a whole I appeal that this problem should be tackled and finished as early possible.

I yield to none and do not yield to Shri Kamath in his anxiety to implement the constitutional convention of having a Select Committee especially when the organic law of India is going to be changed. Whatever may be the amendment it ought to be done, but, unfortunately, a crisis developed in spite of our wishes, may be due to

some defect or some bungling somewhere, and we had to dispense with the rules.

What I am suggesting is this. The Ministers pointed out to me and I am convinced—I hope the House is convinced—that this article will have to be amended. Would you kindly look at this proviso, which says:

> "Provided that no Bill for the purpose shall be introduced in either House of Parliament except on the recommendation of the President and unless, where the proposal contained in the Bill affects the area, boundaries or name of any of the States specified in Part A or Part B of the First Schedule, the Bill has been referred by the President to the Legislature of that State for expressing its views thereon."

You know that one of the recommendations of the States Reorganisation Commission is that Part C States shall be liquidated. I hope everybody welcomes that. They have also held that—I hope the Parliament will implement it—these artificial distinctions between Part A and Part B States should also be effaced. For the elimination of Part A and B States and the elimination of the distinction among the States and the pattern of these different categories of States, we have got to amend again the Constitution. I hope the House will agree that there is something in the point made by the Home Minister that even if we have this proviso today, as it is framed, they will have to bring in a Bill to modify the provision to fit in with the final verdict of the Parliament after consulting the wishes of the legislatures of different States. Therefore, I am sorry that a Constitutional amendment is becoming an annual event and I do not like it.

An Hon. Member: A half-yearly event!

Shri N. C. Chatterjee: We ought to treat the Constitution with great respect. Whatever it is, it is not a printed finality, in the language of Justice Holmes. A situation has developed, and for the proper working of democratic set-up, it is absolutely essential that so far as possible, there should be unilingual States, so that there will be no hiatus, no cleavage and no lack of co-ordination between the Government and the people. All the important political parties, so far as I know, in India are committed to this principle and the sooner it is done the better. The definite, unanimous conclusion of the Fazl Ali Commission is, and Shri Fazl Ali and his two colleagues, Dr. Panikkar and Shri H. N. Kunzru, have said:

> "The task of redrawing the political map of India must, therefore, be now undertaken and accomplished without avoidable delay, in the hope that the changes which are brought about will give satisfaction to a substantial majority of the Indian people".

What I am pointing out is that I myself had tabled a motion and I thought it will be desirable to have some kind of time guaranteed to the State legislatures. We know that our Constitution is different from the American Constiution. Under the American Constitution, they have got to take the consent of the States before making an amendment to the Constitution. In our Constitution, consent is not a condition precedent, but ascertainment of the wishes of the legislatures is a condition precedent. In some Constitutions, they demand a referendum. I pleaded with the hon. Minister that although we do not want a referendum, although we do not want consent, it would be desirable that the people of the areas affected should have some chance of expressing their views through their constitutionally elected members of the legislatures. I hope that when the hon. Home Minister or the Law Minister comes forward next time, they will think seriously of a time-limit. I do not mention the time-limit in the sense of a ceiling, but I am thinking of some reasonable period to be prescribed so that no State can be hustled out of existence.

[Shri N. C. Chatterjee]

We are a sovereign Parliament; we have got giant's strength but it would not be fair, just or equitable or in consonance with the democratic Constitution to liquidate any State; because we have a giant't strength, we must not use it like a giant. It is inevitable that these clauses will have to be amended in the future when we accept the States Reorganisation Commission's report, and I think there is a good deal of cogency in the argument that you will have to put the Constitution again in to shape and then we will have the ninth or the tenth amendment to the Constitution. I hope that the hon. Ministers will then be pleased to take into consideration our reasonable suggestions. It is not in a spirit of obstruction, not in a spirit of opposition for the sake of opposition, but we want to give the people of the States concerned, the constitutional guarantee of a minimum period within which they can consult the wishes of the electorate and all the people concerned. I hope the hon. Minister will also be pleased to repeat categorically and give an assurance on the floor of this House that on future occasions, there should be no attempt to circumvent the Select Committee. We are happy that we have got a chance of having an informal Select Committee and having a fair, frank and free discussion, and I am convinced that in the present crisis there is no other way out but to accept the Bill as drafted. The sooner it is implemented and the sooner this troublesome, delicate task is finished without any further emotional upsurge or embittering inter-provincial feelings, the better for the people of the States and the people of India as a whole.

Shri Biren Dutt: Yesterday, I requested the Minister to give us an assurance that the opinion of the electoral colleges of Tripura and Manipur will be ascertained. He said that he would consider those amendments. I want that this right should be guaranteed by the Law Minister. If I can get a categorical assurance about this I do not want to press my amendment. Yesterday, the Home Minister said clearly that the members of the electoral colleges will be called upon to give their opinion and their opinion will be ascertained. If he can give us a similar undertaking that the opinion of the people of Part C States will also be ascertained, I do not want to press my amendments.

Shri Shree Narayan Das: I welcome this Bill. Bpt I have suggested an amendment. That amendment suggests two provisos. In the Bill, the proviso provides for two or three things. One is, a limitation has been put on the introduction of the Bill. Unless the President recommends that a Bill to make changes in the territories, the area or the boundaries or name of any of the States shall be introduced, a Bill cannot be introduced. The second limitation that has been put is, unless the views of the States concerned are ascertained or rather, unless the Bill has been referred to the State Legislatures for expressing their views, the Bill cannot be introduced. Formerly, in the original provision, it was incumbent on the Central Government to ascertain the views of the States concerned. Unless those views were ascertained, the President was not in a position to recommend for the introduction of any Bill for this purpose. Now, by this amending measure, we are going to change the whole thing. Now, the responsibility is going to be put on the States concerned. If the present provision is accepted, then the States concerned will have to express their views within the specified period. Two or three points have been mentioned in this connection. First, it was 'ascertainment' of the views from the States concerned. In the Bill in regard to which the motion for reference to the Select Committee was not passed, only "expression of the views" was mentioned. During the discussion in this House, the House was of the opinion that the words "expression of views" do not put in any limit and that, whether the

States concerned expressed their views and communicated their views to the Central Government or not, the Central Government, after referring the Bill to the various legislatures, would be in a position to introduce the Bill. It is a very important matter. The Indian Union consists of so many States—Part A, Part B and Part C. After the States Reorganisation Commission was appointed and submitted its Report which is going to be implemented by the Government this amendment has become necessary. I am in favour of this amendment. I want that no State should be allowed to come in the way of the Central Government making necessary adjustments with a view to changing the area, boundary or name of any State.

An Hon. Member: Why not abolish the States altogether?

Shri Shree Narayan Das: That is a separate question to be decided by this House. But, I think in a country like India, there must be only a federal form of Government. Unitary Government may be suitable in the case of certain countries, but for a country like India with so many diversities, only a federal form of Government is more suitable. I will not myself request the House to abolish all the States.

Shri M. P. Mishra (Monghyr North-West): You want federal Government only in name.

Shri Shree Narayan Das: I want federal Government not only in name, but in actual practice also. So far as the powers defined in the Constitution are concerned, they should be exercised by the Central Government in the national interests of the country. Some items are provided in the State List and least interference in that sphere will be very good and healthy thing to do. The only purpose of my amendment is this. I have recast the whole thing only to make it more clear. One limitation has been put that no Bill can be introduced in the House unless the President recommends it. Another limitation that has been put is with regard to the ascertainment of views. The Bill should be referred to the States concerned for expressing and communicating their views. There may be a contingency. The Bill may be referred to a certain legislature and the legislature may express its views in the form of a Resolution or in some other way. Here the Central Government, without awaiting the communication, may introduce a Bill Doubts arose on the last occasion and the hon. Law Minister said—he interpreted this provision like that—that it was not incumbent on the Government to wait for the communication of the decision of the legislature. What is the intention of the hon. Minister? His intention is that the views should be expressed and communicated to the Central Government; the Central Government, after considering the views expressed by the States concerned, will decide whether the Bill should be introduced or not.

Mr. Deputy-Speaker: Are the views to be expressed in a forest or to whom? "Communication to the legislature for the expression of its views" means, expression of its views to the Central Government and not to the Sahara desert.

Shri Shree Narayan Das: The legislature may express its views in the form of a Resolution. I do not know why the word "ascertainment' has been taken away and the word "expression" has been put in. It has been put in because there is some difference between the two. I ask, what is the harm if it is made clear that the views should be communicated within a specified period?

Mr. Deputy-Speaker: The hon. Member wants to say, communicated by post, telegram, in writing or orally and so on.

Shri Shree Narayan Das: What is the harm if the word "ascertainment' is there instead of the word "expression"?

[Shri Shree Narayan Das]

Another point I want to mention is that the views expressed by the State Legislatures should be published in the Official Gazette of India. The views should be made public, so that everyone concerned in the whole country should know what views have been expressed with regard to the provisions of the Bill. Therefore, I want to add the words "Official Gazette" in the end. This is the purpose of my amendment.

Dr. Suresh Chandra (Aurangabad) What is the purpose?

Shri Shree Narayan Das: If the hon. Member has been listening to my speech, he will understand the purpose. If the amendment that I have suggested is accepted, and if the views expressed by a certain State are published in the Official Gazette, it will be in the interests of the nation as a whole. There is no harm in Government accepting my amendment.

Shri C. C. Shah (Gohilwad-Sorath): This is a simple Bill. No doubt, being a Bill to amend the Constitution, it is important, because every amendment of the Constitution, howsoever minor, is by itself important. On account of the urgency of the matter and for reasons well known to the House, we had to dispense with the reference to Select Committee and also to suspend a Rule of procedure. But it has been made amply clear and Mr. Kamath need have no apprehensions about it, that it constitutes no precedent and it has been done only because of the urgent circumstances existing now. I need not deal with that point any further.

I now come to the second amendment moved by Mr. Kamath for putting in a time-limit within which the State legislature can express its views. The present Bill is an improvement in two respects upon the Bill which was previously introduced. In this Bill, the President is given power to extend the period within which a State legislature should express its views and secondly, the Bill for changing the area, boundary etc. is not to be introduced in this House until the specified or extended period has expired. The object of these two changes in the Bill now before the House is that every State legislature should be given ample opportunity to express its views and communicate them. It must be amply clear that there is no intention either on the part of the House or the Government that any legislature should be hustled in regard to that matter. Undoubtedly, any change in the area, boundary or name of a State is an important matter and therefore, it is necessary that the State legislature should have full opportunity to express its views and that those views should be fully considered by this House. Therefore, I submit that even though no time-limit is put here, it is amply clear from the provisions of the Bill itself that it is the desire of the House and the Government to give every State legislature full opportunity to express its views. There can be no apprehension about that and therefore, it is unnecessary to introduce any time-limit in the Bill. In some cases more time may be necessary and in some cases less time may be necessary. It may be that the amendment of area, boundary or name is of a very minor character which needs very little time for the legislature to consider. On the other hand, it may be of a very major character. Therefore, to introduce any rigid time-limit is unnecessary and may prove, on the contrary, a delaying factor. For this reason, the flexibility has been kept in this Bill and the time-limit has been left to the discretion of the President. This should be ample safeguard for any State legislature to express its view.

1 P.M.

The amendment of Mr. V. G. Deshpande raises a more fundamental issue. According to his amendment, if the Bill involves complete merger of a Part A or Part B State, it should have the consent of the majority of the Members of that legislature. This

is counter to the very fundamental idea of article 3. Article 3 gives full power to the Parliament to change, alter or amend the area, boundary or name of any State. The safeguard for the State legislature is that its views should be ascertained. That article does not require that there should be the consent of the majority of the Members of the State legislature. The amendment proposed by Mr. Deshpande in effect means that unless the State legislature of a Part A or Part B State consents by a majority to the proposed change, the Bill cannot be introduced. I submit that, at the time when we discussed article 3 in the Constituent Assembly, this matter was fully discussed and after great deliberation, the Constituent Assembly came to the conclusion that so far as the change of boundaries or the name or area was concerned, Parliament must be the supreme authority. No doubt, the views of the State legislatures must be ascertained. But, their consent was not necessary. That was the principle which we deliberately adopted at that time. All that we are doing at present by this Amendment Bill is only to set a time-limit within which expression of views must be made. We are not changing the fundamental principle underlying article 3, namely, the supremacy of Parliament to change the area or boundaries or name of any State. I submit that the amendment of Shri V. G. Deshpande goes beyond the principle underlying article 3, a principle which we did not accept at that time. The reason for that,—I need not go into all that—is obvious. Ours is a federation entirely different from the American or the Australian federations, where independent sovereign States existing prior to the Union had federated voluntarily into a Union, delegating certain powers to the Union. That was a different position altogether from ours. We created the States, so to say, by the Constitution itself, and described the area, boundaries and the name of each of the States. Therefore, we deliberately reserved power to the Parliament that any change in the area, boundaries or name of the States must be the supreme concern of the Parliament, undoubtedly, after ascertaining the views of the State legislatures. I therefore submit that neither amendment is necessary and that the Bill, as moved, is in order.

Shri Raghavachari (Penukonda): I rise to support the Bill and oppose all the amendments. Only in respect of the amendment proposed by Shri Kamath, I would propose a slight addition and also certain omission of words, as otherwise the whole purpose of this Amendment Bill would be defeated and it would be inconsistent with the purpose behind this Bill.

The amendments that are now given notice of and moved fall under three categories: (i) that some specific time should be included in the original reference or in the subsequent, extention (ii) that after the matter is considered by the States, their opinions must be placed before this House again and (iii) that the consent of the State legislatures or a majority is essential for the introduction of a Bill.

Before I deal with these, I would very respectfully submit that the arguments advanced by Shri C. C. Shah have no force so far as the objection against the amendment of Shri V. G. Despande is concerned. The argument was that the Constituent Assembly had considered all this very elaborately and article 3 does not contemplate the consent of the States and therefore this need not be considered. He must remember, and I respectfully submit to the whole House, that this House is now again and again trying to set at naught or amend or alter the principles that the Constituent Assembly had embodied in the Constitution. Therefore, to say that we had considered it and this is not consistent with that, does not hold water because we are out to change all articles of the Constitution if we feel that our exigencies require that.

Mr. Deputy-Speaker: Apart from Shri C. C. Shah's objection, how does he defend this objection? Is it not out of order because it must have relation to the amending Bill? The amendment only seeks to amend an article, and not to introduce a new principle.

Shri Raghavachari: I started by saying that I am opposing all the amendments. What I am saying is that the argument of Shri C. C. Shah has no force.

I agree with him and many other Members that limiting the discretion that is now vested in the President to include a particular period either in the first reference or in extending the time, is to put a serious limitation which may not work in the interests of the country. After all, the maximum time indicated in the amendments is two months or one month. It may be that, except in the present extraordinary circumstances, the President, whenever he wants, may give six months or even a longer time or a lesser time.

Shri Kamath: Mine is the minimum.

Shri Raghavachari: To limit the discretion will not really advanced the case. I do not expect any President to be so unmindful as not to give a reasonable time. Therefore, I oppose all the amendments.

Coming to the amendment proposed by Shri Kamath, he wants the views so obtained to be placed before Parliament. I respectfully draw his attention to the Constitution Amendment as it is now proposed. It does not impose the obligation of obtaining the views at all. A State may send views or may not send views. Therefore, if he says 'so obtained' it comes to the old 'ascertaining'. That is the wording which they have changed. They only want to give a chance to the States to express their opinion within a particular time. If they do not care to express their opinion, there is nothing obtained. Unless it is obtained, 'so obtained to be placed before the House' becomes impossible. Therefore, if he says in this amendment, 'views, if any, may be placed', that would serve the purpose. But, his amendment does not really carry out this purpose. Therefore, I am not in favour of even that amendment.

I would like to refer to one other point. My hon. friend, a Congress Member,—said that it is his personal view—wants this expression of opinion of the States to be published in the Gazette. Any opinions expressed by the State legislatures are published in the newspapers. Does the hon. Member think that there are more people who read Gazettes than newspapers?

Shri K. K. Basu: (Diamond Harbour): He wants to add to the bulk of the Gazette.

Shri Raghavachari: The question is whether they are going to express their opinion. Suppose I am the representative of a State; my State does not want to consider it at all. Seeing that the President has all the power and the Central Government has all the power, I do not wish to worry myself; I keep quiet; I do not wish to send any opinion. What is to be published in the Gazette? It becomes difficult.

Therefore, I am opposed to all these amendments. I would very respectfully submit for the consideration of the House that the Bill, as now introduced, may be passed. Only I would add this. The Government have given us an assurance also. Not only an assurance, in actual practice, we have been given all the views expressed by the States so far. I would request the Government to say that whenever any opinion is expressed by the States, it will be placed in the hands of the Members of Parliament before the Bill is considered.

Shri T. S. A. Chettiar: (Tiruppur): It is true, and the House knows it, that this States Reorganisation Commission's report has unleashed the emotions of the people in various

places. There is a great tamil saying from the *Kural* that if you must do a thing urgently, you must do it urgently and if you must wait, then, you must do it after waiting for some time. In maters like this, it seems to us that when finality is reached, then, we settle down to work. Until finality is reached, agitation goes on eternally. In our own case, when there was partition between Madras and Andhra, when there was the question of Madras city, there was a great deal of agitation. When once it was decided, we settle down. After all, we know that it is open to the Andhras to live in Madras even today and do all business. So, there is a case for saying that if there are things which trouble people, and which lead to emotional outbursts, the sooner they are decided, the better it will be, for once they are settled, peopel will get down to work.

But there is also another aspect which has to be borne in mind, and that is that in big matters where it requires time for people to think over and to act, sufficient time must be given. I feel therefore that the only amendment which is worth consideration, out of all the amendments that have been moved, is the one relating to the fixing of time by the President. I do hope that the people who are at the helm of affairs, all wise people, will give sufficient time for consideration of big matters. For instances, in a matter like the future of Bombay, I feel there is some case for a greater time to be given. I am sure in such cases adequate time will be given.

The improvement that has been made in the present Bill is the addition of the phrase 'or within such further period as the President may allow'. That is a sufficient guarantee that the situation will be considered from time to time, and such period as will be necessary will be given for the State Legislatures. I feel that in this respect this Bill is certainly an improvement on the Bill that was rejected by the House for not commanding the required constitutional majority.

There is one matter of procedure over which I have not really been happy, and that is in regard to the methods adopted for the introduction of this Bill by suspending the rules. I am not very happy over the suspension of the rules. My hon. friends said that this would not be a precedent for the future. But it does not lie in the mouth of anybody to say now that a particular thing done today will not become a precedent tomorrow, because it is open to the House tomorrow or the day after to decide in whatever way it likes as and when such problems are raised. So, everything that is done once is bound to be quoted as a precedent in the future. I would rather have wished that this precedent had not been created at all for the introduction of this Bill.

The hon. Law Minister made an astounding interpretation of the Bill saying that the proposals may be referred to the States for their opinions thereon, and the Bill may be introduced here. But the last few words of the proposed amendment, namely, 'and the period so specified or allowed has expired' makes the position amply clear that such contingencies will never arise. From that point of view, this Bill is certainly an improvement on the previous Bill.

I hope therefore that the Bill will be accepted unanimously. I hope also that the people at the helm of affairs will see that no hustling takes place. Simply because power has been taken, it does not mean that there must be any hustling. I have ample confidence in the people at the helm of affairs and therefore I hope that such hustling will not take place.

Mr. Deputy-Speaker: Before I call upon other hon. Members, I would like to fix the time. I find that there are two or three hon. Members who have risen to speak; I shall try to call them. We shall try to finish the clause-by-clause consideration by 1-40 P.M. Then, I shall call upon the hon.

[Mr. Deputy-Speaker]

Minister. Then I shall put the clauses to vote. Then, we shall have the third reading.

Shri Kamath: You will put the clause or clauses to vote? Rule 167 says that each clause should be put separately.

Mr. Deputy-Speaker: The clauses, the Preamble etc. At 1-40 P.M. the discussion on them must conclude.

पंडित ठाकुर दास भार्गव : मैं इस बिल को बड़े जोर से सप्पोर्ट करता हूं । हमारे बहुत से मेम्बर साहबान ने, खुसूसन कामत साहब ने एक नोट आफ पेसिमिज्म स्ट्राइक किया है, यहां पर, जिस का मुझे अफसोस है । कहते हैं कि आहिस्ता आहिस्ता शायद हमारा कान्स्टिट्यूशन एक स्क्रैप आफ पेपर हो जायगा । बहुत से मेम्बरान ने कहा कि यह प्रिसिडेन्ट नहीं कायम किया गया है, यह सस्पेन्शन आफ रूल प्रिसिडेन्ट नहीं बनेगा । हमारे ला मिनिस्टर साहब ने भी फ़रमाया है कि यह प्रिसिडेन्ट नहीं होगा । ताहम भी मैं अर्ज करना चाहता हूं कि जिन हालात में यह बिल आया, जिन हालात में हम ने अपना रूल सस्पेन्ड किया उन को देखते हुए मैं कह सकता हूं कि अगर कोई ऐसा ही मौका आ जाय जैसाकि इस वक्त आया, तो मुझे कोई शुब्हा नहीं है कि फिर भी रूल को सस्पेन्ड करना होगा । इस रूल को सस्पेन्ड करने में खराबी ही क्या है ? अगर मैं इस पार्लियामेंट के बाहर जा कर बतलाऊं कि हाउस ने चार घंटे इस बिल पर खर्च किये और तीन घंटे इस बात पर खर्च किये कि यह रूल सस्पेन्ड हो या नहीं, और वह होना चाहिये था, सारा हाउस यह चाहता था कि रूल सस्पेन्ड हो जाय, लेकिन फिर भी बहस होती रही, तो लोग हमारा मज़ाक उड़ायेंगे । मैं कहना चाहता हूं कि जो कुछ हम ने किया वह सही किया । यकीनन यह प्रिसिडेन्ट नहीं होगा कि आइन्दा कोई बिल सेलेक्ट कमेटी में न जाय, लेकिन दरअस्ल इस को नहीं जाना चाहिये था । इस बिल के अन्दर इतनी यूनेनिमिटी है कि इस को सेलेक्ट कमेटी में भेजे जाने का सवाल ही पैदा नहीं होता । कल रात जो डिस्कशन हुआ वह इतना मुफ़ीद साबित हुआ कि सारे एमेन्डमेन्ट्स बेकार हो गये ।

एक चीज़ का मैं ज़िक्र करना चाहता हूं । कान्स्टिट्यूशन के प्राविज़न ३ का असली मंशा यह था कि पेश्तर इस के कि कोई बिल इन्ट्रोड्यूस हो, हमारे प्रेजिडेन्ट साहब लेजिस्लेचर्स की राय को मालूम कर लें । मेरे खयाल में इस उसूल का जो मकसद था उसे किसी तरह से भी खत्म नहीं किया गया सिवा एक चीज़ के कि अगर कोई स्टेट लेजिस्लेचर ऐसा ऐटिट्यूड अख्त्यार करना चाहे और नान कोआपरेट करना चाहे, राय ज़ाहिर न करना चाहे, तो उसे बेशक एलिमिनेट किया गया, और किया जाना चाहिये । अगर कोई राय नहीं भेजना चाहता तो उस को आप मजबूर कैसे कर सकते हैं ? इस के अलावा इस बिल के अन्दर जो मौजूद है वह सारी की सारी बातें बिल्कुल साफ हैं । मसलन सवाल यह था कि स्टेटों को मौका मिले या नहीं अपनी राय के इज़हार करने का । तो आप उन को सिर्फ मौका ही नहीं देंगे बल्कि अगर वह उस टाइम लिमिट को बढ़ाना चाहें तो उस के लिये भी उन को मौका दिया जायेगा । पहले बिल पर यह मेरा सुझाव था और मुझे खुशी है कि यह मंजूर कर लिया गया है ।

जहां तक सवाल उन की राय के भेजने का है उसके अन्दर यह था कि राय आयेगी लेजिस्लेचर की । मैं ने कल एक ऐमेन्डमेन्ट भेजा था जिस को मैं ने बाद में पेश नहीं किया । मैं नहीं चाहता कि सिर्फ लेजिस्लेचर की राय ही आये, बल्कि जितने मेम्बर लेजिस्लेचर के हैं उन सब की राय जो कुछ हो उस का रेकार्ड आये । उस लेजिस्लेचर

की सारी प्रोसीडिंग्स जो हों वह प्रेजिडेन्ट साहब की खिदमत में भेजी जायें क्योंकि हम समझते हैं कि कई एक ऐसे लेजिस्लेचर हैं जिन में माइनारिटीज़ हैं, उन की राय का भी रेकार्ड या कन्क्लूज़न आना चाहिये। उन की राय का भी पूरा इज़हार होना चाहिये और एन्टायर प्रोसीडिंग्स प्रेजिडेन्ट साहब के सामने आनी चाहियें कि सारे लेजिस्लेचर के आदमियों की राय यह है। इसीलिये मैं ने एमेन्डमेन्ट भेजा था कि सारी प्रोसीडिंग्स भेजी जायें ताकि उन के सामने सारा नक्शा आ जाय। लेकिन कल हमारे आनरेबल ला मिनिस्टर साहब ने यकीन दिलाया कि वह ऐसा ही प्रोसीजर रखना चाहते हैं और लेजिस्लेचर्स की कुल प्रोसीडिंग्स ही आयेंगी, तो परेशानी दूर हो गई।

दूसरा सवाल यह था कि टाइम एक्स्टेंड किया जाय। तो मैं समझता हूं कि यह चीज बिल के अन्दर ही पिनहां है कि टाइम एक्स्टेंड हो सकेगा। अभी बतलाया गया कि हालांकि बिल बना नहीं है लेकिन बहुत से स्टेट लेजिस्लेचर्स ने अपनी राये ज़ाहिर की हैं। मैं समझता हूं कि कोई भी शेड आफ ओपीनियन नहीं है जोकि गवर्नमेंट के सामने नहीं आई है। जो असल मक्सद है इस बिल का कि गवर्नमेंट को हर एक आदमी की राय मालूम हो, वह पूरा किया जा रहा है। और अब से पहले ही बहुत काफी पूरा हो चुका है। मुझे कोई शक नहीं है कि गवर्नमेंट आफ इंडिया कभी इस तरह का रवैया अख्त्यार नहीं करेगी कि लोग अपनी राय का इज़हार न कर सकें, लेकिन मैं अर्ज़ करता हूं, और श्री चैटर्जी साहब ने भी फरमाया कि हम चाहते हैं कि गवर्नमेंट आफ इंडिया पर भी कुछ पाबन्दी रहे। जो हमारा कान्स्टिट्यूशन है, उस को हम ऐसा बनायें कि गवर्नमेंट आफ इंडिया पर भी थोड़ी पाबन्दी रहे। उस को बनाते वक्त हम ने दफा १९ में फंडामेन्टल राइट्स भी कुछ रक्खे हैं, हालांकि हम जानते थे कि हमारी गवर्नमेन्ट ठीक ही काम करेगी, लेकिन फिर भी हम ने उस के ऊपर कुछ पाबन्दियां रक्खीं। अपनी तरफ से हम ने उस के लिये भी रीज़नेबल रेस्ट्रिक्शन्स रक्खे। हम चाहते हैं कि आइन्दा जो बिल आये उस में हम टाइम मुकर्रर नहीं करें, लेकिन उस में हम सिर्फ रीज़नेबल टाइम जरूर रक्खेंगे कि रीज़नेबल टाइम गवर्नमेन्ट आफ इंडिया जरूर देगी, जोकि डिफरेंट स्टेट्स के लिये डिफरेन्ट होगा और उस के बाद भी स्टेट्स को एक्स्टेन्शन आफ टाइम पाने का अख्त्यार रहेगा। गवर्नमेन्ट आफ इंडिया उन की सारी प्रोसीडिंग्स भी मंगायेगी और उन को कंसीडर भी करेगी क्योंकि ऐसर्टेन करने के दो माने होते हैं। एक तो राय का इज़हार और उस के बाद उस का एसर्टेन करना। तो मैं अर्ज़ करता हूं कि यह जो बिल हम आज पास कर रहे हैं उसको हमें फोरन पूरी स्पोर्ट के साथ पास करना चाहिये और उस को अच्छी तरह से एग्जिक्यूट भी करना चाहिये। आइन्दा जो बिल बनेगा उस में मैं उम्मीद करता हूं कि हमारे मिनिस्टर साहब जो ऐमेन्डमेन्ट्स में ने दिये हैं उन को इनकारपोरेट करेंगे।

इसलिये मैं अर्ज करता हूं कि जितनी जल्दी हो सके हम इस बिल को पास कर दें क्योंकि जो असल मंशा है वह यह है कि जल्दी से जल्दी उस को रिपोर्ट के बारे में फैसला हो और लोगों में बिटरनेस न बढ़े। इस बिल को पास भी किया जाय और जितनी भी स्टेजेज हैं वह जल्दी ही पूरी कर दी जायें। मुझे इसे कहने की जरूरत नहीं है कि हालांकि एमेन्डमेन्ट में कहीं दर्ज नहीं है कि पार्ट सी स्टेट्स या एलैक्टोरल कालेजेज की राय पूछेंगे। लेकिन हमारे मिनिस्टर साहब ने हाउस में एश्योरेंस दिया है कि वह उन की राय भी पूछेंगे। हमारे मिनिस्टर साहब जहां तक यह बिल नहीं

[पंडित ठाकुर दास भार्गव]

जाता है उस से भी आगे जाने को तैयार हैं। बिला शकोशुबहा यह चीज़ कहने का कोई मौका नहीं है कि हम पूरे तौर पर उन को अपनी राय का इज़हार करने का मौका नहीं देंगे।

Dr. Lanka Sundaram: I am convinced that there is no disposition on the part of any hon. Member to attempt to withhold the power which Government seek to invest the President with to deal with certain contingencies in regard to the organisation of States. Only two objections have so far come to the fore. One is as regards the manner in which this Bill is being sought to be passed by this House or through this House. First, there were on the opening day of the session, two Bills—the Fifth and the Sixth Amendment Bill. Then one of clauses of the Constitution (Fifth) Amendment Bill became Constitution (Seventh) Amendment Bill. Then the procedural tangle started. Now, finally, we have the Constitution (Eighth) Amendment Bill. In other words, there was, shall I say, disapprobation from certain Members of the House about the manner in which this Bill has been sought to be rushed through this House. During the process of it, they have destroyed the very salutary convention of this House, namely, that every Constitution amendment Bill should be committed to a Select Committee.

Looking back over the acrimonious and even somewhat clumsy controversies which have been gone through by hon. Members, I feel that a Select Committee could have been appointed to go into it or the whole House could have gone into a Committee. It is a matter of vital form, though not of substance. I would only say, with great respect to my hon. friend, Pandit Thakur Das Bhargava, that what the Speaker announced yesterday from the Chair, not for the first time, I am sure, namely, that this will not Constitute a precedent, is all that this House has been able to salvage out of the controversies of the past few days. Because, I am convinced, as I said at the very outset, that there is no disposition on the part of any hon. Member—as far as I could judge from the debate so far—to withhold the power with which the President is sought to be invested, because there will be certain contingencies where a State legislature might not fulfil the form in which certain resolution or bill has to be passed and remitted here. As a matter of fact, if you review the position of State legislatures during the past few days, some legislatures have not been able to pass necessary resolution—for example, I mention the Hyderabad State Legislature; I am not casting any aspersion upon that legislature at all; for whatever reasons, most of us can understand, namely, based on a strong conviction relating to the rights and wrongs involved in the proposals contained in the SRC Report.

Now, when the Bill regarding the formation of the Andhra State was remitted back to us, this hon. House had gone through the process of receiving the Bill with the opinions of the Madras State legislature, the Mysore State legislature etc. in order that the Andhra State Bill may be passed. Supposing—and the supposition has a very valid basis in fact, as far as I am concerned, as far as my knowledge of this problem goes—if there is any recalcitrance—I am sorry I have to use a very strong word—on the part of any State legislature, it is open to this sovereign Parliament to take the power to ensure that such recalcitrance is not possible in certain circumstances. So I am entirely in agreement with the principle of the Bill.

There is only one other small point I would like to make and that is this. The whole controversy about this Bill arose, if I am not mistaken because of a certain statement made at the time of the last meeting of the Working Committee of the Congress when—I am not definite whether it is part of the resolution; I presume it is not part of the resolution of the Working Committee—the phrase "fourteen days' time" was bandid

about. It entered the newpapers. The intention behind this decision of the Working Committee was said to be that the State legislatures should be given only fourteen days' time to comply with the request from the Centre for passing the necessary resolution or passing the necessary legislation before this hon. House can take it over. But for that particular unfortunate incident, I am sure this House would not have gone through the procedural wrangle it has had to go through during the past two weeks. Now, I understand—and I am prepared to be corrected by any competent spokesman on the Treasury Benches—that the intention of the ruling party seems to be to give a month's time to the State legislatures to go through this procedure. I honestly feel that this time is not sufficient. If I am wrong, I would like to be corrected. The whole discussion is now centred on what is the time which the President is going to give. In the revised Bill, Constitution (Eighth) Amendment Bill on the Order Paper, there is a provision made for giving the power to the President to extend the time-limit, but without stating the minimum time which he should give under the proposed article 3. I do hope that before this Bill is passed by this hon. House, there will be an assurance forthcoming either from the Law Minister or the Home Minister or the Leader of the House—he was here a little while ago—exactly defining the intention behind the main operative portion of the Bill, namely, the time to be given. Without mentioning it, there is no point in providing power to the President to extend the time to be given. That seems to be the substance of the matter.

I repeat again that I wholeheartedly am in agreement with the principle of the Bill because I am anxious that in our federal Constitution the residuary power should vest with this Parliament and not with State legislatures. After all, each one of the hon. Members of the House—barring one or two nominated for certain purposes—has been elected by the same electorate at the same time as members of the State legislatures were elected. In other words, we are not only having equal powers but certainly we have residuary powers in our favour. From the constitutional angle, I have no difficulty at all. Now the only question is about giving a reasonable opportunity to the State legislatures to state their views properly—that is the sum and substance of this Bill. I do hope before the Bill is passed the Minister in-charge during his reply to the debate will indicate what is exactly the intention of Government in this respect, in order to set at rest wrong impressions created in the country about "fourteen days' time." We would also like to have some clarification about the one month's time which, it is talked of very widely in the Lobbies and elsewhere, the Government are going to give.

डा० सुरेश चन्द्र : उपाध्यक्ष महोदय, जो विधेयक इस समय सदन के सम्मुख उपस्थित है इस का मैं समर्थन करने के लिये खड़ा हुआ हूं । इस विधेयक पर बहस करते समय यह उपयुक्त मौका नहीं है कि राज्यों के पुनर्गठन के सिद्धान्तों के बारे में बहस की जाये । यह तो एक सादा सा बिल है और इस बिल पर बहस करते समय हमें राज्यों के पुनर्गठन के सिद्धान्तों पर बहस नहीं करनी है । इस बिल के जरिये से केवल हमारा जो विधान है उस में एक यह संशोधन किया जा रहा है कि जो हमारी स्टेट लेजिस्लेचर्ज़ हैं उन को इस बात का मौका दिया जाय कि वे एक अवधि में जो चीजें उन के पास भेजी जायें उन पर अपने विचार भेज सकें और साथ ही राष्ट्रपति को यह अधिकार भी दिया जा रहा है कि वह इस अवधि को कम या ज्यादा भी कर सकते हैं । इस बिल का एक उद्देश्य यह भी है कि स्टेट लेजिस्लेचर्ज़ को यह कहने का मौका न मिले कि उन्हें वक्त कम या ज्यादा मिला है ।

अभी पंडित ठाकुर दास भार्गव ने भी कहा कि हमारे जो रूल्ज हैं उन को हम ने

[डा० सुरेश चन्द्र]

रोक कर ठीक ही किया है । मैं मानता हूं कि वह एक बहुत बड़े कानूनदां हैं और उन के मुकाबले में जहां तक कानूनी मामलों का ताल्लुक है मैं कुछ भी नहीं हूं । लेकिन मैं श्री अविनाश लिंगम चेट्टियार साहब से सहमत हूं कि यह जो नियम हम ने रोका है यह हम ने ठीक नहीं किया है और मुझे इस से बहुत संतोष नहीं है । मैं यह समझता हूं कि यदि किसी प्रवर समिति को यह बिल भेज दिया जाता तो यह ज्यादा अच्छा होता । यहां पर यह कहा गया है कि जो इस नियम को हम तोड़ रहे हैं इस संसद की सहमति से यह इसलिये किया जा रहा है क्योंकि एक बहुत आवश्यक चीज हमारे सामने उपस्थित होनी है । लेकिन, फिर भी मैं इस से बहुत संतुष्ट नहीं हूं । यद्यपि अध्यक्ष महोदय ने यह आश्वासन दिया है कि यह किसी भी प्रकार से प्रेसिडेंट नहीं होगा लेकिन फिर भी मैं समझता हूं कि यह किसी न किसी तरह से प्रेसिडेंट रहेगा ।

अभी पंडित ठाकुर दास भार्गव जी ने कहा कि हम प्रोसीजर्ज के बारे में लम्बी चौड़ी बहस कर के अपना वक्त गंवाते हैं । मेरी राय में यह बात कहना ठीक नहीं है क्योंकि पार्लियामेंट में बैठ कर हम जो बहस करते हैं वह सब प्रोसीजर के मुताबिक ही करते हैं और हर चीज प्रोसीजर के मुताबिक ही चलती है । अगर ऐसी बात न हो तो हमारी बहस में और एक पब्लिक मीटिंग की बहस में फर्क ही नहीं रह जायेगा । उस वजह से इस को "वेस्ट आफ टाईम" कहना, मैं समझता हूं कि मुनासिब नहीं होगा ।

मैं कामत साहब के इस कथन से सहमत नहीं हूं कि स्पीकर साहब की ओपीनियन को बाई-पास किया गया है । कामत साहब ने यह भी कहा कि " We have ridden roughshod over Parliament" मैं नहीं समझता कि यह बिल्कुल सही है क्योंकि जब संसद की सहमति हुई तो वह तकरीबन सर्वसम्मति ही थी । इसलिये यह कहना कठोर शब्दों का प्रयोग करना है जो, मैं समझता हूं, कामत साहब के मुंह से बहुत शोभा नहीं देते ।

और ज्यादा न कह कर अन्त में मैं यह कहना चाहता हूं कि यह एक बहुत सादा संशोधन है, लेकिन महत्वपूर्ण है, इस लिहाज से कि इस के अन्दर जो विधान सभायें हैं उन को पर्याप्त समय दिया गया है कि उस के अन्दर वे अपने विचार व्यक्त कर सकें, और हमारे जो राष्ट्रपति हैं उन को भी यह अधिकार दिया गया है कि यदि कोई विधान सभा पर्याप्त समय में अपने विचारों को व्यक्त न कर सके तो उस को और ज्यादा समय दिया जाये । यह एक बिल्कुल मुनासिब बात है ।

श्री देशपांडे ने जो संशोधन दिया है वह तो बिल्कुल ही अनुपयुक्त है और मैं समझता हूं कि उस का कोई विशेष स्थान नहीं है । और भी जो दूसरे संशोधन दिये गये हैं उन का भी विशेष स्थान नहीं है ।

इतना कह कर मैं इस बिल का हृदय से पूर्ण रूप से समर्थन करता हूं ।

Shri S. S. More: Mr. Deputy-Speaker, Sir,.....

Mr. Deputy-Speaker: I believe the hon. Member will finish in five minutes. Then there is Shri Tek Chand, who is the only Member left.

Shri S. S. More: I will not take much time, Sir.

Taking advantage of this debate, I want to make one suggestion. If we compare our Constitution with the constitutions of other countries, we find that our constitution enters into too many details of administration and when a constitution enters into too many details, as we go on implementing the constitution, our experience leads us to the conclusion that these details need modification, and,

therefore, an amendment of the constitution becomes inevitable.

I want to make a suggestion to Government that too many details ought not to be there in the Constitution and, therefore, Government should see their way to appoint a Joint Committee of both the Houses to find out in what particulars, in the light of our experience of the last 6 or 7 years, this Constitution needs amendment. I can quote precedents from the House of Commons or from the experience of the United Kingdom. There, on many occasions, Joint Committtees are appointed not only for the purpose of screening a Bill which is already drafted by a Select Committee but Joint Committees are appointed for the purpose of making concrete suggestions to Government, in the light of basic principles, to frame a Bill itself. From our own House, I can say that the hon. Speaker was pleased to appoint a committee on Offices of Profit to define what are the offices of profit, to give precedents and to prescirbe the necessary ambit of the different offices and that committee has already submitted its report which will be the basis of a new comprehensive Bill to define what is Office of Profit. If we do not want, every alternate day, to be faced with a Constitution (Amendment) Bill, it will be highly necessary to take both the Houses into confidence and appoint a representative Joint Committee of both the Houses, commissioned to find out what are the details of the Constitution which need elimination from our present Constitution.

For instance, take the constitution of the Supreme Court and the High Courts. There are constitutions of good many countries in the world—I need not quote because I have no time—where the constitution of the Supreme Court and the judiciary is entirely outside their Constitutions and is governed by another statute. It does not form part of the Constitution. So, if any change is necessary in such a matter, then it is not done by amending the Constitution as such but by amending that particular statute which refers to that point.

This is what I want to say and from this aspect I want to approach the amendment which has been placed by my hon. friend Shri Deshpande as well as the amendment which my hon. friend Shri Kamath has moved. They are again asking us to go into unnecessary details. Not only that. Shri Deshpande's amendment, if it is implemented would mean that the State Legislatures shall be given the power of vetoing the sovereign power of this House.

Now, a written constitution, by its very nature, is a constitution which limits the severeignty of Parliament. As far as the United Kingdom is concerned, without a written constitution the Parliament is more sovereign than our present Parliament. But, Shri Deshpande is out to ask this House to further abrogate some of its powers in favour of the State Legislatures whose mind will not work detached from local passions. Local people may be victims to some local passions and prejudices while the Parliament, composed of representatives from all over the country, can look into the matter from a more detached point of view. Therefore, I would submit that Shri Deshpande's amendment is of a very vital nature and very detrimental because it will mean a sort of abdication of some measure of power on the part of this House. I would, therefore, oppose that amendment and would further say that this suggestion of appointing some committee to find out what are the particular provisions which need amendment before a Bill is initiated by Government should be proceeded with. Otherwise, we shall be faced with a number of Constitution (Amendment) Bills and in that way we shall be subjecting ourselves to the ridicule of the whole world, of countries which have succeeded in framing small Constitutions embodying fundamental principles only. That is the only suggestion that I want to make.

Shri Tek Chand (Ambala-Simla): I rise to support the Bill and oppose the amendments—in particular, the amendment moved by my hon. friend Shri Deshpande. Shri Deshpande's amendment is open to serious objection and it is fraught with great difficulties. The object of this amendment is virtually that this Parliament should completely surrender and abdicate its sovereign power; not only that, but to make it within the gift of the State Legislatures to permit or not to permit a measure that is proposed regarding the merger of one State into another State. Such an amendment is contrary to the higher national interests of the country and of which this Parliament is necessarily the principal custodian. The result will be that any State Legislature.....

Shri Nand Lal Sharma (Sikar): Which amendment?

Shri Tek Chand: I am referring to amendment No. 21. Possibly my learned friend behind me has come only a short time ago and, therefore, he was not present when Shri Deshpande moved his amendment.

The effect and the result of Shri Deshpande's amendment will be that it will be open to a State Legislature to put obstacles, to put a brake upon the entire proposal made under article 3 of the Constitution.

I am aware that in Article 4 of the American Constitution and also in sections 123 and 124 of the Australian Constitution there is a provision where the consent of the State Legislatures has to be obtained beforehand. But, then, their Constitution is totally different, their genius is different. They were independent States which just formed the United States of America. The independent States existed first and the United States came in later. Similarly, in Australia, there were peculiar local exigencies which happily do not exist here. We are concerned essentially with the unity of the country, with the solidarity of the country and this amendment of my learned friend breaks up that solidarity.

Regarding the elimination of the expression, 'ascertaining the views of the Legislatures' as it exists in the provisio today, I submit that there has been a considerable improvement now in the language of the changed provisio. You will notice that originally in section 290 of the Government of India Act, 1935, there was a provisio wherein it was stated that the Governor-General shall ascertain the views of the Government of any Province. But there is a world of difference between ascertaining the views of a government and ascertaining the views of a legislature. It is much easier to ascertain the views of a government but it may not be equally easy to ascertain the views of a legislature. The State Legislature may not co-operate, may not choose to give its views with the result that there will be an absolute deadlock. Under the circumstances as visualised at present, the result will be that an opportunity is being given to the local legislatures. If they care to express their views, their views will be examined. If they feel that there is not sufficient time within which they could express their views, they can prevail upon the President to extend the time and within the extended time they have another opportunity to express their views more fully. Therefore, under the circumstances, I feel that from every point of view, the Bill deserves to be passed.

There is one matter about suspension of the rules. The circumstances in which the rule had been suspended requires no apology from anybody. There are circumstances, there are occasions when it is in the higher interest that rules should be suspended, and I have no doubt that there may not be a precedent in future, but if need be and occasion arises, under suitable circumstances, resort may be made and should be made to this particular provision.

The Minister of Home Affairs (Pandit G. B. Pant): Yesterday, in accordance with the arrangement arrived at here, we met at an informal conference and we had the privilege

of discussing the amendments as well as other matters pertaining to this Bill, with some of the distinguished Members of this House. Shri Kamath, Shri Chatterjee, Shri More, Pandit Bhargava, all were there and I had the opportunity of explaining to them what the Bill meant and what were our intentions, and we dispersed with the feeling—at least I had that—that no amendment would be discussed here today. But after all, that may be due to the wrong inference drawn by me from the kindness with which I was treated.

Shri Kamath: Have a cup of tea!

Pandit G. B. Pant: All the same, I am glad that the matter has been discussed thoroughly. Sometimes there are lingering doubts left when questions are not handled in a straightforward and open manner in the House. The Bill had a definite purpose. It was introduced with a view to expedite the process of finalisation of the consideration of the Report of the States Reorganisation Commission and to have ample assistance of all sections of opinion and particularly of the legislatures before framing any specific proposals for the consideration of this honourable House. I would like to state at once that this Bill is not a final one for all time to come. In fact, as mentioned by Shri Chatterjee, it will probably have to undergo revision soon after we have taken decisions on the basis of that Report, because it refers to Part A and B States and there will be no A and B States if the proposal of the Commission is accepted by this House. So, the clause with which we are concerned here will have to be amended in any case. If any further change is considered necessary, we will certainly be prepared to give serious thought to any suggestions that may be made by hon. Members. I have, however, been somewhat perplexed by an attitude of distrust. I do not see any ground for these misgivings. If actions do not assure people, words perhaps cannot. What have we done? We consulted the Chief Ministers of the States at a time when we were not bound to consult them. We referred the Report which had come from the Commission which had spent considerable time over the issues that were under their consideration, for the scrutiny of the entire country, and still more so, of the legislatures. There was no law making it incumbent on the Government to refer the matter to the legislatures, but we did. We did because we think it will strengthen us; we did because we want to work in a democratic way; we did because we rely on the co-operation of our people, of the legislatures and of the hon. Members of this House. We can have all that only when we seek their assistance in a constructive way. So, it would be unwise on the part of any Government to thrust or impose anything on any part of the country against its wishes. When we have gone out of our way in a matter like this, I do not see where is the room for any suspicion that Government, on its part, will try to hustle matters in an indecent way. That seems to me to be somewhat, if not cruel, at least inconsiderate.

As to the proposal, what we have said is only this, that the time will be fixed by the Government, but for what?—only to enable it to place a Bill before this House. This House consists of the representatives of the people, it has the final voice in everything. If it be of the opinion that we are proceeding with undue haste and that a brake is necessary, it can ask for the circulation of the Bill, it can take any other measure. If it wants, it can even throttle it completely. It seems that the Members of the House perhaps sometimes forget their own powers, their own might, and that can be the only explanation for the attitude that they have betrayed. What is it that you want to be done and why is there this sort of opposition?

A reference has been made to the suspension of the rule. That is not quite relevant or necessary at this stage, but the point requires a little clarification.

[Pandit G. B. Pant]

We suspended the rule? Did any individual suspend it? Did Government suspend it?

Shri Algu Rai Shastri (Azamgarh Distt.-East *cum* Ballia Distt.-West): The rules.

Pandit G. B. Pant: The entire body of Members of this House minus one did that. Then against whom is the complaint? Is it the complaint that all the Members of this House acted wrongly that this decision amounted to an abuse of the process if I may say so? If that is so then it is a reflection on the discretion, wisdom and capacity of this House. I hope nobody had any such intention.

What are the rules meant for? When a rule is suspended is anything unconstitutional done? There is a rule in the rules that any rule may be suspended. When the Speaker acts according to that rule, what is the irregularity about it? He suspends a rule and observes a rule in suspending that. Does that rule say: What is the rule to be suspended and what is the rule to be used? What were the circumstances under which the rule was suspended?

So far as this Bill is concerned, whether it is identical with its predecessor or not, it is accepted by all that it is an improvement on the previous Bill. But so far the previous Bill itself went, it was supported, I think, by about 246 hon. Members and there were only two against it. Should we be prevented by any rule from giving effect to the unanimous will of this House? Are our rules meant to carry out the collective will and wisdom of this House or are they to come in the way of the will of this House being carried out. The suspension of a rule which had come in the way of the implementation of the unanimous decision of this House was necessary in order to maintain the dignity and majesty of our House. So, to regard it as an encroachment on the rights of this House is, I think an utter misconception.

Coming to this amendment about the views of the legislatures in the States not only being ascertained but being made binding on this Parliament, I think Shri Deshpande in a way out-heroded Herod. When this Constitution was framed, the Constituent Assembly consisted exclusively of representatives of the State Legislatures and they were satisfied with the provisions that have been placed in our Constitution. They did not feel the need of any other safeguard. They left it to Parliament to take decisions on all these matters. But Shri Deshpande wants to cripple this Parliament and to say that a State legislature should have a dominance over the Parliament and its decision must prevail against the concensus of opinion or the considered view of this Parliament. He must understand in this country we proceeded on a different basis. We had almost a sort of a unitary Constitution and out of that we carved a number of States. It was not a conglomeration of independent States that was given the garb of a federation here. Here we had a unitary Constitution and the entire country was under one Government for all practical and real purposes, while in other countries like America, independent States agreed among themselves to combine together for certain purposes. It might have been suitable and proper in their cases but here they need not necessarily be so and certainly are not because whatever action you may take in one State, it certainly produces reactions on other States and also in the neighbouring States. So, unless Parliament takes a decision, no one can take an integrated view of such matters within their own legislatures. So, it was deliberately provided that opportunities for the expression of their views should be given to them but the decision should be taken by the Parliament itself.

I do not think there was any other matter to which I am required to refer now. I have already assured the House and I would advise the local administrations—the Chief Commissioners—of Manipur and Tripura to consult. (*An Hon. Member*: Kutch also) Yes Kutch and if there is any similar State which I have forgotten, that State also—to consult so far as feasible the members of the electoral colleges. We were not required under the rules to consult 'C' class legislatures but we have consulted them; now we are going to consult them again. We have been more anxious to consult them than hon. Members of this House sitting here. We want the support of the entire nation. We do not want to delay the implemenation of the proposals of the Commission with such modifications as may commend themselves to the wisdom and judgement of this House a day longer than necessary. We are not going to do so because we have faith in ourselves and we have faith in our country. So, we will go ahead and see that the decisions are reached and implemented without delay and that is the purpose of this Bill.

Mr. Deputy-Speaker: I shall put the amendments to the vote of the House. Are any amendments withdrawn?

Shri Shree Narayan Das: I withdraw my amendment.

Shri V. G. Deshpande: I do not want to press my amendment and beg leave to withdraw it.

Shri Kamath: You may put my amendment No. 3 to vote and not 4, which I do not press.

Mr. Deputy-Speaker: Shri Biren Dutt had already said that he is not pressing his amendments. So all these amendments are withdrawn.

The amendments were, by leave, withdrawn.

Mr. Deputy-Speaker: I will put amendment No. 3 of Shri Kamath to the vote of the House. The question is:

Page 1, lines 13 and 14—

for "within such period as may be specified in the reference."

substitute "within a period of less than three months to be specified in the reference".

The motion was negatived.

Mr. Deputy-Speaker: I shall put clauses 1 and 2 together.

Shri Kamath: Before you put this motion to the vote, I would invite your attention to rule 167. We must have correct record; otherwise it might be questioned later on. The provision to this rule says:

> "Provided that the Speaker may, with the unanimous concurrence of the House, put clauses Schedules together to the vote of the House in which case the result of the voting shall be taken as applicable to each clause or schedule separately and so indicated in the proceedings."

So far I do not think that it has gone on record that the House has actually unanimously agreed to this procedure.

Mr. Deputy-Speaker: I am asking the House. Hon. Member is anticipating me. Under the rules as pointed out by the hon. Member, it is open to the Speaker to put all such clauses grouped together instead of asking the House to divide again and again. I am only trying to group clause 1 along with clause 2. Notwithstanding so many amendments regarding clause 2, in respect of the title clause there have been no amendments and so we are not divided on that clause. Therefore, I think the unanimous view of the House is that clauses 1 and 2 might be put together. Is it the view of the House?

2 P.M.

Several Hon. Members: Yes.

Shri Kamath: If a particular Member wants to support clause 1 and not clause 2 then what will happen?

Mr. Deputy-Speaker: If an hon. Member says: "I am not going to allow a unanimous vote on this" then there is voting. It is only a formal one. When passing, along with clause 2 we must pass clause 1 also. If he is opposed to a clause he can say so and there is voting. I think we may put clauses 1 and 2 together.

Shri Biswas: There is one amendment to clause 1—No. 8—by which we seek to subsitute "(fifth Amendment)" for "(Eighth Amendment)".

Mr. Deputy-Speaker: Under the rules the Speaker can correct that without putting it to the vote of the House. Therefore, I think there is no need to put clause 1 separately to the vote of the House. If that amendment has to be moved formally it may be done, but I am told that under the rules it is not necessary and that I can give a direction. The Speaker has got the right to make a formal amendment of that kind and do the necessary correction. Therefore, the Speaker will do so. So, I believe there is unanimous opinion of the House that clauses 1 and 2 may be put together.

Several Hon. Members: Yes.

Mr. Deputy-Speaker: There has to be Division. The bell is being rung...

[MR. SPEAKER *in the Chair*]

Mr. Speaker: I think I may put clauses 1 and 2, the Enacting Formula and the Title together.

The question is:

"That clauses 1, 2, the Enacting Formula and the Title stand part of the Bill."

The Lok Sabha divided: Ayes 377; *Noes Nil.*

AYES

2-02 P.M.

Division No. 5]

Abdullabhai, Mulla
Achal Singh, Seth
Achalu, Shri
Achint Ram, Lala
Achuthan, Shri
Agarawal, Shri H. L.
Agrawal, Shri M.L.
Ajit Singh, Shri
Akarpuri, Sardar
Alagesan, Shri
Altekar, Shri
Alva, Shri Joachim
Amrit Kaur, Rajkumari
Anandchand, Shri
Asthana, Shri
Ayyangar, Shri M.A.
Azad, Maulana
Azad, Shri Bhagwat Jha
Babunath Singh, Shri
Badan Singh, Ch.
Balkrishnan, Shri
Baldev Singh, Sardar
Balmiki, Shri
Banerjee, Shri
Bansal, Shri
Bansilal, Shri
Barman, Shri
Barupal, Shri P.L.
Basappa, Shri
Basu, Shri A.K.
Basu, Shri K.K.
Bhagat, Shri B.R.
Bhakt Darshan, Shri
Bharti, Shri G.S.
Bhargava, Pandit M.B.
Bhargava, Pandit Thakur Das
Bhartiya, Shri S.R.
Bhatt, Shri C.
Bhawani Singh, Shri
Bhawanji, Shri
Bheekha Bhai, Shri
Bhonsle, Shri J.K.
Bidari, Shri
Birbal Singh, Shri
Biren Dutt, Shri
Bogawat, Shri
Borkar, Shrimati Anusayabai
Bose, Shri P.C.
Brajeshwar Parsad, Shri
Brohmo-Choudhury, Shri
Chakravartty, Shrimati Renu
Chaliha, Shri Bimalaprosad
Chanda, Shri Anil K.
Chandak, Shri
Charak, Th. Lakshman Singh
Chatterjee, Shri Tushar
Chatterjee, Dr Susilranjan
Chatterjee, Sh i N.C.
Chaturvedi, Shri
Chaudhary, Shri G. L.
Chavda, Shri
Chettiar, Shri Nagappa
Chettiar, Shri T.S.A.
Chowdhury, Shri N. B.
Dabhi, Shri
Damar, Shri Amar Singh
Damodaran, Shri G.R.
Damodaran, Shri Nettur P.
Das, Dr. M.M.
Das, Sh B.
Das, Shri B.C.
Das, Shri B.K.
Das Shri Beli Ram
Das, Shri K.K.
Das, Shri N.T.
Das, Shri Ram Dhani
Das, Shri Ramananda
Das, Shri Shree Narayan
Datar, Shri
Deb, Shri S.C.
Deogam, Shri
Desai, Shir K.N.
Desai, Shri Khandubhai
Deshmukh, Shri K.G.
Deshpande, Shri G.H.
Dholakia, Shri
Dhulekar, Shri
Dhusiya, Shri
Digambar Singh, Shri
Diwan, Shri R.S.
Dube, Shri Mulchand
Dubey, Shri R.G.
Dutt, Shri A.K.
Dutta, Shri S.K.
Diwivedi, Shri D.P.
Diwivedi, Shri M.L.
Eacharan, Shri C.
Ebenezer, Dr.
Gadgil, Shri
Gandhi, Shri Feroze
Gandhi, Shri M.M.
Gandhi, Shri V.B.
Ganga Devi, Shrimati
Ganpati, Ram Shri
Garg, Shri R.P.
Gautam, Shri C.D.
Ghose, Shri S.M.
Gidwani, Shri
Girdhari Bhoi, Shri
Gopalan, Shri A.K.
Gopi Ram, Shri
Gounder, Shri K.S.
Govind Das, Seth
Guha, Shri A.C.
Gupta, Shri Badshah
Gupta, Shri R.K.
Gupta, Shri Sadhan
Gurupadaswamy, Shri
Hansda, Shri BenjaminM.S.
Hari Mohan, Dr.
Hasda, Shri Subodh
Hazarika, Shri J.N.
Heda, Shri
Hembrom, Shri
Hem Raj, Shri
Hukam Singh, Sardar
Ibrahim, Shri
Iqbal Singh, Sardar
Iyyunni, Shri C.R.
Jagjivan Ram, Shri
Jain, Shri A.P.
Jain, Shri N.S.
Jaisoorya, Dr.
Jajware, Shri
Jangde, Shri
Jatav-vir, Dr.
Jayshri, Shrimati
Jena, Shri K.C.
Jena, Shri Niranjan
Jethan, Shri
Jhunjhunwala, Shri
Jogendra Singh Sardar
Joshi, Shri Jethalal
Joshi, Shri Krishnacharya
Joshi, Shri Liladhar
Joshi, Shri M.D.
Joshi, Shri N.L.
Joshi, Shrimati Subhadra
Jawala Prasad, Shri
Kajrolkar, Shri
Kale, Shrimati A.
Kamble, Dr.
Kanungo, Shri
Karmarkar, Shri
Kasliwal, Shri

Katham, Shri
Katju, Dr.
Kayal, Shri P.N.
Kazmi, Shri
Kelappan, Shri
Keshavaiengar, Shri
Keskar, Dr.
Khan, Shri Sadath Ali
Khedkar, Shri G.B.
Khuda Baksh, Shri M.
Kimlikar, Shri
Kottukappally, Shri
Krishna, Shri M.R.
Krishna Chandra, Shri
Krishnamachari, Shri T.T.
Krishnaswami, Dr.
Kureel, Shri B.N.
Lakshmayya, Shri
Lal Singh, Sardar
Lallanji, Shri
Laskar, Shri
Lingam, Shri N.M.
Lotan Ram, Shri
Madiah Gowda, Shri
Mahata, Shri B.
Mahodaya, Shri
Majhi, Shri Chaitan
Majhi, Shri R.C.
Majithia, Sardar
Malaviya, Shri K.D.
Malliah, Shri U.S.
Malvia, Shri B.N.
Malviya, Pandit C.N.
Malviya, Shri Motilal
Mandal Dr P.
Mascarene, Kumari Annie
Masuodi, Maulana
Masuriya Din, Shri
Mathew, Shri
Maydeo, Shrimati
Mehta, Shri Asoka
Mehta, Shri B.G.
Mehta, Shri Balwant Sinha
Mehta, Shri J.R.
Mishra, Shri Bibhuti
Mishra, Shri L.N.
Mishra, Shri Lokenath
Mishra, Shri M.P.
Mishra, Shri S.N.
Misra, Shri B.N.
Misra, Shri R.D.
Misra, Shri S.P.
Mohiuddin, Shri
Morarka, Shri
More, Shri K.L.
More, Shri S.S.
Mudaliar, Shri C.R.
Muhammed Shaffee, Chaudhuri,
Mukne, Shri Y.M.
Muniswamy, Shri N.R.
Murli Manohar, Shri
Murthy, Shri B.S.
Musafir, Giani G.S.
Mushar, Shri
Muthukrishnan, Shri
Naidu, Shri N.R.
Nair, Shri C.K.
Nanda, Shri
Narasimhan, Shri
Naskar, Shri P.S.
Nathwani, Shri N.P.
Nehru, Shri Jawaharlal
Nehru, Shrimati Shivrajvati
Nehru, Shrimati Uma
Nesamony, Shri
Neswi, Shri
Nevatia, Shri
Nijalingappa, Shri
Palchoudhury, Shrimati Ila
Pande, Shri B.D.
Pande Shri C.D.
Pandey, Dr. Natabar
Pannalal, Shri
Paragi Lal, Ch.
Parekh, Dr. J.N.
Parikh, Shri S.G.
Pataskar, Shri
Patel, Shri B.K.
Patel Shri Rajeshwar
Patel, Shrimati Maniben
Patil, Shri Kanavade
Patil, Shri S.K.
Patil, Shri Shankargauda
Pawar, Shri V.P.
Pillai, Shri Thanu
Prabhakar, Shri Naval
Rachiah, Shri N.
Radha Raman, Shri
Raghavachari, Shri
Raghubir Sahai, Shri
Raghubir Singh, Ch.
Raghunath Singh, Shri
Raghuramaiah, Shri
Rahman, Shri M.H.
Raj Bahadur, Shri
Rajabhoj, Shri P.N.
Ramanand Shastri, Swami
Ramananda Tirtha, Swami
Rameschwiah, Shri
Ramaswamy, Shri P.
Ramaswamy, Shri S.V.
Ram Dass, Shri
Ramnarayan Singh, Babu
Ram Saran, Shri
Ram Shankar Lal, Shri
Ram Subhag Singh, Dr.
Ranbir Singh, Ch.
Rane, Shri
Ranjit Singh, Shri
Rao, Shri B. Shiva
Rao, Shri K.S.
Rao, Shri P. Subba
Rao, Shri Rajagopala
Rao, Shri Seshagiri
Rao, Shri T.B. Vittal
Raut, Shri Bhola
Ray, Shri B.K.
Reddi, Shri Eswara
Reddi, Shri Ramachandra
Reddy, Shri B.Y.
Reddy, Shri Janardhan
Reddy, Shri Viswanatha
Richardson, Bishop
Rishang Keishing, Shri
Roy, Shri Bishwa Nath
Rup Narayan, Shri
Sahu, Shri Bhagabat
Sahu, Shri Rameshwar
Saksena, Shri Mohanlal
Saksena, Shri S.L.
Samanta, Shri S.C.
Sanganna, Shri
Sankarapandian, Shri
Sarmah, Shri Debeswar
Satyawadi, Dr.
Sen, Shri P.G.
Sen, Shrimati Sushama
Sewal, Shri A.R.
Shah, Shri C.C.
Shah, Shri Raichandbhai
Shah, Shrimati Kamlendu Mati
Shahnawaz Khan, Shri
Shakuntala, Shrimati
Sharma, Pandit Balkrishna,
Sharma, Pandit K.C.
Sharma, Shri D.C.
Sharma, Shri K.K.
Sharma, Shri R.C.
Shastri, Shri Algu Rai
Shastri, Shri R.R.
Shivananjappa, Shri
Shobha Ram, Shri
Shriman Narayan, Shri
Shukla, Pandit B.
Siddanagjappa, Shri
Singh, Shri D.N.
Singh, Shri D P.
Singh, Shri H.P.
Singh, Shri L. Jageswar
Singh, Shri M.N.
Singh, Shri T.N.
Singhal, Shri S.C.
Sinha, Dr. S.N.
Sinha, Shri Anirudha
Sinha, Shri B.P.
Sinha, Shri G.P.
Sinha, Shri Jhulan
Sinha, Shri K.P.
Sinha, Shri Nageshwar Prasad
Sinha, Shri S.
Sinha, Shri Satya Narayan
Sinha, Shri Satyendra Narayan
Sinha, Shrimati Tarkeshwari
Sinhasan Singh, Shri
Snatak, Shri
Sodhia, Shri K.C.
Somani, Shri G.D.
Subrahmanyam, Shri K.
Subrahmanyam, Shri T.
Subramania Chettiar, Shri
Sundaram Dr. Lanka
Sunder Lal, Shri
Suresh Chandra, Dr.
Swami, Shri Sivamurthi
Tandon, Shri
Tek Chand, Shri
Tewari, Sardar R.B.S.
Thimmaiah, Shri
Thomas, Shri A.M.
Tivary, Shri V.N.
Tiwari, Pandit B.L.
Tiwari, Shri R.S.
Tiwary, Pandit D.N.
Tripathi, Shri H.V.
Tripathi, Shri V.D.
Tyagi, Shri
Uikey, Shri
Upadhyay, Pandit Mushishwar Dutt
Upadhyay, Shri Shiva Dayal
Upadhyaya, Shri Shiva Datt
Vaishnav, Shri H.G.
Vaishya, Shri M.B.
Varma, Shri B.B.
Varma, Shri M.L.
Veeraswamy, Shri
Verma, Shri B.R.
Vidyalankar, Shri A.N.
Vyas, Shri Radhelal
Waghmare, Shri
Wilson, Shri J.N.
Wodeyar, Shri
Zaidi, Col.

NOES

Nil

The motion was adopted

Mr. Speaker: The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

I should say that the motion is carried unanimously.

Clauses 1, 2 the Enacting Formula and the Title were added to the Bill.

Shri Biswas: I beg to move:

"That the Bill be passed".

Mr. Speaker: The question is:

"That the Bill be passed."

Shri Kamath: I want only two minutes.

Mr. Speaker: What I was thinking was that as the doors are already

[Mr. Speaker]

closed I might proceed immediately, and without going into further division, adopt this result as the voting on the third motion also. If the hon. Member is keen, I cannot deny him the right. Well, the doors will be open for two minutes.

Shri Raghavachari: I may invite your attention to rule 131(2) read with rule 171. You will find from rule 171 that "In all other respects, the procedure laid down in the rules with respect to other Bills shall apply". But here, I understand that the word "Eighth" was changed into "Fifth". So, it becomes an amendment. Of course, it is open to you to allow the motion in spite of that amendment. I only wanted to enquire whether you have allowed this motion to be moved to day itself.

Mr. Speaker: I understand that the Deputy-Speaker has given directions that that change from Seventh or Eighth to Fifth can be made later on by the Speaker. It is a patent thing and therefore, there is no necessity for putting it to the House.

Shri Kamath: Mr. Speaker, the Home Minister's speech has been edifying in parts, but I am afraid it has not completely illuminated the whole terrain. Yesterday during the informal consultations, he told us much more than what he has done in the House today, particularly with regard to the second amendment....

Mr. Speaker: Order, order. What happened at the informal discussion need not be brought in here.

Shri Kamath: I would like to invite attention to this particular aspect of the matter, which I understand, my friend Dr. Lanka Sundaram also has pointed out. The Government, I am told has made up its mind on this aspect of the matter, with regard to the period—one month, two months or three months. But the hon. Minister made no mention of it in his speech. If that is done, it will be good.

The second aspect of this matter was whether the views and the proceedings of the legislature would be placed before Parliament. If that is also made clear during the third reading, it will be very helpful to the House and also to the States.

The hon. Home Minister was pleased to refer to the suspension of the rule. I do not want to question the right of the House or whether it did well in suspending the rule. But the main point is this. You had reserved your ruling but you Sir, were bypassed. That was unfortunate.

Mr. Speaker: This is only a repetition of the points already mentioned.

Shri Kamath: I only wanted to draw your attention to that. Ultimately, in the last analysis, it was due to the ineptitude and the indifference of the Members opposite which impelled even the Prime Minister, the Leader of the House, to caution Members of his party to be more careful about their presence in Parliament. It was the inefficiency of the Members opposite which impelled the Prime Minister to do that. I want to impress that aspect of the matter upon the Benches opposite.

I would only hope that the assurance given by you, Mr. Speaker, yesterday that this will not be quoted as a precedent for the future will be respected by your successors in this *gadi* and every Bill to amend the Constitution will follow the real regular and effective procedure that is necessary for amending the basic law of this country.

Mr. Speaker: Has the hon. Minister anything to say?

Pandit G. B. Pant: I have not been able to understand the sense or substance of what Mr. Kamath said.

Shri Kamath: It is not my fault.

Pandit G. B. Pant: It is mine altogether.

Shri Kamath: Honours divided.

Mr. Speaker: He referred to a certain what I may call, assurance given by the Chair that certain things would not be treated as a precedent. Of course, it is always true subject to the conditions prevailing from time to time. I shall put the motion:

The question is:

"That the Bill be passed."

The Lok Sabha divided: Ayes 377; Noes Nil.

AYES

Division No. 6] 2-30 P.M.

Abdullabhai, Mulla
Achal Singh, Seth
Achalu, Shri
Achint Ram, Lala
Achuthan, Shri
Agarawal, Shri H. L.
Agrawal, Shri M. L.
Ajit Singh Shri
Akarpuri, Sardar
Alagesan, Shri
Altekar, Shri
Alva, Shri Joachim
Amrit Kaur, Rakjumari
Anandchand, Shri
Asthana, Shri
Ayyangar, Shri M. A.
Azad, Maulana
Azad, Shri Bhagwat Jha
Babunath Singh, Shri
Badan Singh, Ch.
Balkrishnan, Shri
Baldev Singh, Sardar
Balmiki, Shri
Banerjee, Shri
Bansal, Shri
Bansilal, Shri
Barman, Shri
Barupal, Shri P. L.
Basappa, Shri
Basu, Shri A. K.
Basu, Shri K. K.
Bhagat, Shri B. R.
Bhakt Darshan, Shri
Bharati, Shri G. S.
Bhargava, Pandit M. B.
Bhargava, Pandit Thakur Das
Bhartiya, Shri S. R.
Bhatt, Shri C.
Bhawanji, Shri
Bheekha Bhai Shri
Bhonsle, Shri J. K.
Bidari, Shri
Birbal, Singh Shri
Biren Dutt, Shri
Bogawat, Shri
Borkar, Shrimati Anusayabai
Bose, Shri P. C.
Brajeshwar Prasad, Shri
Brohmo-Choudhury, Shri
Chakravartty, Shrimati Renu
Chaliha, Shri Bimalaprosad
Chanda, Shri Anil K.
Chandak, Shri
Cherak, Th. Lakshman Singh
Chatterjee, Shri Tushar
Chatterjee, Dr. Susilranjan
Chatterjee, Shri N. C.
Chaturvedi, Shri
Chaudhary, Shri. G. L.
Chavda, Shri
Chettiar, Shri Nagappa
Chettiar, Shri T.S.A.
Chowdhury, Shri N.B.
Dabhi, Shri
Damar, Shri Amar Singh
Damodaran Shri G.R.
Damodaran, Shri Nettur P.
Das, Dr. M. M.
Das, Shri B.
Das Shri B. C.
Das, Shri B. K.
Das, Shri Beli Ram
Das, Shri K. K.
Das, Shri N. T.
Das, Shri Ram Dhani
Das, Shri Ramanands
Das, Shri Shree Narayan
Datar, Shri
Deb, Shri S. C.
Deogam, Shri
Desai, Shri K. N.
Desai, Shri Khandubhai
Deshmukh, Shri K. G.
Deshpande, Shri G. H.
Dholakia, Shri
Dhulekar, Shri
Dhusiya, Shri
Digambar Singh, Shri
Diwan, Shri R. S.
Dube, Shri Mulchand
Dubey Shri R. G.
Dutt, Shri A. K.
Dutta, Shri S. K.
Dwivedi Shri D. P.
Dwivedi, Shri M. L.
Eacharan, Shri I.
Ebenezer, Dr.
Gadgil Shri
Gandhi, Shri Feroze
Gandhi, Shri M. M.
Gandhi, Shri V. B.
Ganga Devi, Shrimati
Ganpati Ram, Shri
Garg, Shri R. P.
Gautam, Shri C. D.
Ghose, Shri S. M.
Gidwani, Shri
Giridhari Bhoi, Shri
Gopalan, Shri A. K.
Gopi Ram, Shri
Gounder, Shri K. S.
Govind Das, Seth
Guha, Shri A. C.
Gupta, Shri Badshah
Gupta, Shri R. K.
Gupta, Shri Sadhan
Gurupadaswamy, Shri M. S.
Hansda, Shri Benjamin
Hari Mohan, Dr.
Hasda, Shri Subodh
Hazarika, Shri J. N.
Heda, Shri
Hembrom, Shri
Hem Raj, Shri
Hukam Singh, Sardar
Ibrahim, Shri
Iqbal Singh, Sardar
Iyyunni, Shri C. R.
Jagjivan Ram, Shri
Jain, Shri N.S.
Jaisoorya, Dr.
Jajware, Shri
Jangde, Shri
Jatav-vir, Dr.
Jayashri, Shrimati
Jena, Shri K. C.
Jena, Shri Niranjan
Jethan, Shri
Jhunjhunwala, Shri
Jogendra Singh, Sardar
Joshi, Shri Jethalal
Joshi, Shri Krishnacharya
Joshi, Shri Liladhar
Joshi, Shri M. D.
Joshi, Shri N. L.
Joshi, Shrimati Subhadra
Jwala Prashad, Shri
Kairolkar, Shri
Kale, Shrimati A.
Kamath Shri,
Kamble, Dr.
Kanungo, Shri
Karmarkar, Shri
Kasliwal Shri
Katju, Dr.
Kayal, Shri P. N.
Kazmi, Shri
Kelappan, Shri
Keshavaiengar, Shri
Keskar, Dr.
Khan, Shri Sadath Ali
Khardekar, Shri
Khedkar, Shri G. B.
Khuda Baksh, Shri M.
Kirolikar, Shri
Kottukappally, Shri
Krishna, Shri M. R.
Krishna Chandra, Shri
Krishnamachari, Shri T. T.
Krishnaswami, Dr.
Kureel, Shri B. N.
Kureel, Shri P. L.
Lakshmayya, Shri
Lal Singh Sardar
Lallanji, Shri
Laskar, Shri
Lingam, Shri N. M.
Lotan Ram, Shri
Madiah Gowda, Shri
Mahata, Shri B.
Mahodaya, Shri
Majhi, Shri Chaitan
Majhi, Shri R. C.
Majithia, Sardar
Malaviya, Shri K. D.
Malliah, Shri U. S
Malvia, Shri B. N.
Malviya, Pandit C.N.
Malviya, Shri Motilal
Mandal, Dr. P.
Mascarene, Kumari Annie
Masuodi, Maulana
Masuriya Din, Shri
Mathew, Shri
Maydeo, Shrimati
Mehta, Shri Asoka
Mehta, Shri B. G.
Mehta, Shri Balwant Sinha
Mehta, Shri J. R.
Mishra, Shri Bibhuti
Mishra, Shri L. N.
Mishra, Shri Lokenath
Mishra, Shri M. P.
Mishra, Shri S. N.
Misra, Shri B. N.
Misra, Shri R. D.
Misra, Shri S. P.
Mohiuddin, Shri
Morarka, Shri
More, Shri K. L.
More, Shri S. S.
Mudaliar, Shri C. R
Muhammed Shaffee, Chaudhuri
Mukne, Shri Y. M.
Muniswamy, Shri N. R.
Murli Manohar, Shri
Murthy Shri B. S.
Musafir, Giani G S.
Muthukrishnan, Shri
Naidu Shri N. R.
Nair, Shri C. K.
Nanda, Shri
Narasimhan, Shri
Naskar, Shri P. S.
Nathwani Shri N. P.
Nehru, Shri Jawaharlal
Nehru, Shrimati Shivrajvati
Nehru, Shrimati Uma
Nesamony, Shri
Neswi, Shri
Nevatia, Shri
Nijalingappa, Shri
Palchoudhury, Shrimati Ila
Pande, Shri B. D.
Pande, Shri C. D.
Pandey, Dr. Natabar
Pannalal, Shri
Paragi Lal, Ch.
Parekh, Dr. J. N.
Parikh, Shri S. G.
Pataskar, Shri
Patel, Shri B. K.
Patel, Shri Rajeshwar
Patel, Shrimati Maniben
Patil, Shri Karavade

atil, Shri S. K.	Roy, Shri Bishwa Nath	Sinha, Shri K. P.
Patil, Shri Shankargauda	Rup Narain, Shri	Sinha, Shri Nageshwar Prasad
Pawar, Shri V. P.	Sahu, Shri Bhagabat	Sinha, Shri S.
Pillai, Shri Thanu	Sahu, Shri Rameshwar	Sinha, Shri Satya Narayan
Prabhakar, Shri Naval	Saksena, Shri Mohanlal	Sinha, Shri Satyendra Narayan
Rachiah, Shri N.	Saksena, Shri S. L.	Sinha, Shrimati Tarkeshwari
Radha Raman, Shri	Samanta, Shri S. C.	Sinhasan Singh, Shri
Raghavachari, Shri	Sanganna, Shri	Snatak, Shri
Raghubir Sahai, Shri	Sankarapandian, Shri	Sodhia, Shri K. C.
Raghbir Singh, Ch.	Sarmah, Shri Debeswar	Subrahmanyam, Shri K.
Raghunath Singh, Shri	Satyawadi, Dr.	Subrahmanyam, Shri T.
Raghuramaiah, Shri	Sen, Shri P. G.	Subramania Chettiar, Shri
Rahman, Shri M. H.	Sen, Shrimati Sushama	Sundaram, Dr. Lanka
Raj Bahadur, Shri	Sewal, Shri A. R.	Sunder Lal, Shri
Rajabhoj, Shri P. N.	Shah, Shri C. C.	Suresh Chandra, Dr.
Ramanand Shastri, Swami	Shah, Shri Raichandbhai	Swami, Shri Sivamurthi
Ramananda Tirtha, Swami	Shah, Shrimati Kamlendu Mati	Tandon, Shri
Ramasami, Shri M.D.	Shahnawaz Khan, Shri	Tek Chand, Shri
Ramaseshaiah, Shri	Shakuntala, Shrimati	Tewari, Sardar R. B. S.
Ramaswamy, Shri P.	Sharma, Pandit Balkrishna	Thimmaiah, Shri
Ramaswamy, Shri S. V.	Sharma, Pandit K. C.	Thomas, Shri A. M.
Ram Dass, Shri	Sharma, Shri D. C.	Tivary, Shri V. N.
Ramnarayan Singh, Babu	Sharma, Shri K. R.	Tiwari, Pandit B. L.
Ram Saran, Shri	Sharma, Shri R. C.	Tiwari, Shri R. S.
Ram Shankar Lal Shri,	Shastri, Shri Algu Rai	Tiwary, Pandit D. N.
Ram Subhag Singh, Dr.	Shastri, Shri R. R.	Tripathi, Shri H. V.
Ranbir Singh, Ch.	Shivananjappa, Shri	Tripathi, Shri V. D.
Rane, Shri	Shobha Ram, Shri	Tyagi, Shri
Ranjit Singh, Shri	Shriman Narayan, Shri	Uikey, Shri
Rao, Shri B. Shiva	Shukla, Pandit B.	Upadhyay, Pandit Munishwar Dutt
Rao, Shri K. S.	Siddananiappa, Shri	Upadhyay, Shri Shiva Dayal
Rao, Shri P. Subba	Singh, Shri D. N.	Upadhyaya, Shri Shiva Datt
Rao, Shri Rajagopala	Singh, Shri D. P.	Vaishnav, Shri H. G.
Rao, Shri Seshagiri	Singh, Shri H. P.	Vaishya, Shri M. B.
Rao, Shri T. B. Vittal	Singh, Shri L. Jogeswar	Varma, Shri B. B.
Raut, Shri Bhola	Singh, Shri M. N.	Varma, Shri M. L.
Ray, Shri B. K.	Singh, Shri R. N.	Veeraswamy, Shri
Reddi, Shri Eswara	Singh, Shri T. N.	Verma, Shri B. R.
Reddi, Shri Ramachandra	Singhal, Shri S. C.	Vidyalankar, Shri A. N.
Reddy, Shri B. Y.	Sinha, Dr. S. N.	Vyas, Shri Radhelal
Reddy, Shri Janardhan	Sinha, Shri Aniruddha	Waghmare, Shri
Reddy, Shri Viswanatha	Sinha, Shri B. P.	Wilson, Shri J. N
Richardson, Bishop	Sinha, Shri G. P.	Wodeyar, Shri
Rishang Keishing, Shri	Sinha, Shri Jhulan	Zaidi, Col

NOES Nil

The motion was adopted.

Mr. Speaker: The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

Shri Kamath: Does it mean Unanimously?

Mr. Speaker: It means unanimously.

[MR. DEPUTY-SPEAKER *in the chair*]

HINDU SUCCESSION BILL—*Contd.*

Mr. Deputy-Speaker: The House will now resume further consideration of the motion namely:

> "That the Bill to amend and codify the law relating to intestate succession among Hindus, as passed by Rajya Sabha, be taken into consideration."

Shri Pataskar.

Shri Nand Lal Sharma (Sikar): On a point of order. I submit that the present Bill is *ultra vires* of the Constitution, in so far as it offends against the fundamental rights to freedom of religion as guranteed by the Constitution under articles 25 (1), 26(b) and 15 (1). Now, article 25 (1) reads as follows:

> "Subject to public order, morality and health and to the oher provisions of his Part, all persons are equally entiled o freedom of conscience and he right freely to profess, practise and propagate religion."

Article 26 further states:

> "Subject to public order, morality and health, every religious denomination or any section thereof shall have the right—
>
> (b) to manage its own affairs in matters of religion;
>
> (c) to own acquire movable and immovable property....".

I submit that the Hindu law hitherto in force, or for the matter of that, the Hindu *shastras* that have remained a final authority on the institutions of inheritance etc. are nowhere shown to be against public order, morality or health. On the other hand, the Hindus do believe in succession to property to be a part of their fulfilment of religious obligations. As given by the *shastras*: पिंडदोशहर: रमृत: The capacity to inherit depends upon the capacity to offer oblations to the departed soul. This fundamental right of the Hindus will be badly cut short by the present Bill.

Without going into the merits of the Bill which I shall take up when I speak on the Bill itself, I would like to point out that the Bill clearly repeals all the Hindu *Shastras* as well as traditions by clause 4 (1) which reads:

> "Save as otherwise expressly provided in this Act,—
>
> (a) any text, rule or interpretation of Hindu law or any custom or usage as part of that law in force immediately before the commencement of this Act shall cease to have effect with respect to any matter for which provision is made in this Act;....".

This is a direct attack on the Hindu *shastras* and Hindu customs that have acquired the force of law.

Again, clause 17 of the Bill....

An Hon. Member: The hon. Member is referring to various clauses of the Bill now.

Shri Nand Lal Sharma: They are all connected with the point of order.

Clause 17(1)(b) of the Bill further provides for devolution of property of a Hindu female on her father and mother, which is also against the Hindu conscience and the Hindu mode of life prevailing especially in North India....

Shri Raghavachari (Penukonda): In the south also.

Shri Nand Lal Sharma: I did not know about the south. Possibly, it is all over India.

Article 15 (1) categorically mentions:

> "The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.".

The present Bill, in so far as it changes the immemorial traditions and repeals the injunctions of the Hindu *shastras*, discriminates against the Hindus alone as Hindus, and is therefore in contravention of article 15 (1).

The Bill further discriminates against citizens on the ground of sex also, because clause 17(2), debars the husband from inheriting the predeceased wife's property which she had inherited from her parents, in the absence of a son or daughter, whereas the property of the predeceased husband devolves upon her as absolute right. This is a discrimination on the ground of sex, and contravenes the provision regarding fundamental rights in the Constitution, and is therefore *ultra vires* of the Constitution.

The Bill further interferes with the Mitakshara joint family system whereas originally the public was given the impression that the Mitakshara system was not going to be touched.

Under these circumstances, it is only fair that the people should be consulted in this respect. I therefore submit that the Bill is *ultra vires* of the Constitution and should not be proceeded with.

Shri V. G. Deshpande (Guna): Let me point out one more discrimination.

Mr. Deputy-Speaker: I have heard enough.

An Hon. Member: He is supporting the hon. Member who spoke just now.

Shri V. G. Deshpande: There is one clause which discriminates bet-

[Shri V. G. Deshpande]

ween man and woman that is between the sexes, and that is very serious. Clause 6 says:

> "When a male Hindu dies after the commencement of this Act, having at the time of his death an interest in a Mitakshara coparcenary property, his interest in the property shall devolve by survivorship upon the surviving members of the coparcenary and not in accordance with this Act".

That means, sons will get a limited interest in the estate while daughters will get absolute interest in the estate. That constitutes discrimination between son and daughter and is a discrimination on account of sex. On that ground also, it is *ultra vires* of the Constitution.

The Minister of Legal Affairs (Shri Pataskar): I would like to submit that there is hardly any substance in the point of order which has been raised.

Shri Nand Lal Sharma: Is the decision on the point of order to be given by the Minister or the Chair?

Mr. Deputy-Speaker: The Chair.

Shri Pataskar: Is it suggested that the Minister has no right of reply?

Mr. Deputy-Speaker: Before giving a ruling on the point of order, I have to hear both sides. The other side also has got the right to say what they want to say.

Shri Pataskar: My non. friend, who raised this objection, probably does not know that the so-called immemorial *sastras* etc. to which he made a reference, as a matter of fact....

Shri Nand Lal Sharma: Immemorial traditions.

Shri Pataskar: Traditions also. They are not so much a matter of religion as a matter which has already been decided by their custom, code etc. I do not think there is any provision in the Constitution by which laws which could up till now be interfered with and changed by judicial decisions cannot be changed and altered by the sovereign Parliament, to which always reference is made in such glowing terms.

After all, what does he mean by saying that this interfers with religion? 'Hindus' and 'religion' are entirely different from each other. This Bill applies to Sikhs. They have got their religion, because it is a form of worship. There are the Jains who have got a certain form of worship. For certain purposes, they have all collectively come to be known as Hindus. Therefore, it is a misnomer to say that this Bill, by making provision with respect to some matters of succession etc. applicable to all those who have come to be called and referred to as Hindus, is attempting to interfere with any religion. (*Interruption*).

As regards *pindas*, I think there is no prohibition in respect of any person offering *pindas* to anybody. So far as this Bill is concerned, it only relates to property. There is absolutely no provision made which prevents any person from offering *pindas* to anybody he likes. So I think there is no substance in the point of order which was raised. There is nothing in this Bill which is in conflict with the Constitution as sought to be made out in the point of order.

Mr. Deputy-Speaker: I do not think there is any point of order in this, and I do not think it is *ultra vires* of the Constitution. It does not touch religion. As a matter of fact, this Parliament has passed legislation regarding marriage law where marriages, religious principles, rituals etc. are more involved than in this case which relates to property.

Article 26(a) has been referred to, that it is open under this article for any religious denomination or any

religious sect to own and acquire movable and immovable property. I think that article applies to the joint properties of a particular community. In this Bill there is no provision to do away with religious endowments at all to temples or *mutts* belonging to a particular denomination of Hindus.

Shri Nand Lal Sharma: Religious endowments given to *mutts*.....

Mr. Deputy-Speaker: Order, order So far as devolution of property is concerned, long ago in 1937, widows were given a share in the property. Now, some provisions of the Bill want to make the right absolute. So far as custom is concerned, it does not relate to every kind of custom. For instance, there is no intention to abrogate the custom of performing *saptapadi*. This only relates to property, and in so far as a particular custom offends the law regulating this property, it is abrogated. That has nothing to do with religion.

The third point was regarding discrimination between the two sexes. God has created this discrimination, and so far as this is concerned, special provision can be made—and we have been making provision for devolution in different ways. Therefore, it has never been held that any particular provision to enable the weaker sex—it is wrong to call them the weaker sex—to come up....

An hon. Member: They are stronger.

Mr. Deputy-Speaker:.....is objectionable. Special provision for one sex is there and that difference is inevitable. Possibly some of the discrimination already existed. It can be viewed that the discrimination which had existed is being sought to be removed now; it is not as if new discrimination is imposed.

At this stage, I am not called upon to say whether it is *ultra vires* of the Constitution or not. If hon. Members feel that the husband should get a share in the wife's property in the same way as the wife has a claim to the husband's property, it is for hon. Members to say that they want a provision to that effect; an amendment to that effect can be carried on the floor of the House. But it does not go to the root of this matter.

With all respect, I do not think, whatever may happen to this Bill, the religion of Hindus is touched. Therefore, there is no point of order.

Shri Pataskar: As was evidenced just now by the short point of order which was raised, I am aware of the deep feelings regarding the subject-matter of this Bill, and I would crave the indulgence of all the Members of this House, irrespective of their different opinions, to give me a patient, careful and dispassionate hearing.

This problem has a history of its own, with which I would like to deal very briefly, because it has already been dealt with previously. The vast social, economic and political changes in the country during the last few centuries had sorely affected the system of inheritence amongst that vast section of our countrymen who have collectively come to be referred to as Hindus. The law of succession amongst them varied at one end from all the different variations of the matriarchal system of inheritance to the extreme forms of the patriarchal system wherein women had been entirely excluded from inheritance. With all these variations due to varying conditions in different periods of our history in different regions and under differing social and economic conditions. Several Acts had already to be passed by different legislatures.....

Shri Nand Lal Sharma: On a point of order.

Mr. Deputy-Speaker: I just disposed of a point of order.

Shri Nand Lal Sharma: It is a fresh point of order.

Mr. Deputy-Speaker: Is it by several points of order that we have to utilise the time allotted for this?

[Mr. Deputy-Speaker]

The hon. Member must go on with his point of order without referring to any other matter. If I want elucidation, I will ask him.

Shri Nand Lal Sharma: With due deference to the hon. Minister....

Mr. Deputy-Speaker: Leave all that alone.

Shri Nand Lal Sharma:....I have been seeing that he is regularly reading his speech. He has been reading his speeches even on previous occasions.

Shri Pataskar: I am deliberately reading my speech for the reason that this involves a very complicated matter and it is likely to be quoted in future, and I am sure, to be subjected to very serious examination at the hands of many people. Therefore, I prefer that in a complicated matter like this, I would read my speech. Not that I cannot speak *ex tempore*; as a matter of fact, I can speak as well as the hon. Member does.

Mr. Deputy-Speaker: Government Members are entitled to read so that their statements may be accurate. A statement made, in fact, even a comma or a full stop inadvertently used, is scanned and is quoted as an assurance on the floor of the House. Not only here, but people outside are watching. I am glad that hon. Ministers like Shri Pataskar read what they have to say instead of delivering a speech *ex tempore* and then getting caught somewhere by people here in this House or outside. Hon. Members must make a difference between non-official Members and Ministers. Newcomers can look to their notes as also the Ministers; and Ministers can read their statements, to be accurate.

An Hon. Member: Why this distinction, Sir?

3 P.M.

Shri Pataskar: May I again request hon. Members, whatever their views are, to bear with me and to hear me patiently?

Several Acts had already been passed by different legislatures in respect of these variations in the matriarchal system of inheritance. The several variations of the patriarchal system, with the development of the several systems of joint family and their peculiar features had also been the subject-matter of earlier legislations from time to time, though piecemeal in their character.

With marked change in the social and political set-up in the country, particularly affecting the middle classes, the first important legislative interference with the joint-family system came with the passing of the Hindu Gains of Learning Act of 1930. With the rising consciousness of the rights of women to property came the Hindu Women's Right to Property Act, 1937. It recognised the right of the widow to inherit to her husband along with the son and gave her a share equal to that of the son in the property of her husband. However, the interest that so devolved was only the limited interest known as the Hindu Woman's Estate. A Bill to provide a share for the daughters in the property of their deceased parents was introduced in the Central Assembly by a private member in the year 1939. As a result, a Committee called the Hindu Law Committee was appointed by Government in 1941 to examine the question of codifying Hindu law generally. That committee had been codifying all Hindu law by gradual stages, like the law of intestate succession and marriage. A Bill dealing with the question of intestate succession amongst Hindus was introduced in the Central Assembly in the year 1942. That Bill was referred to a Select Committee in 1943 which recommended that the Hindu Law Committee should again be revived and asked to formulate the remaining parts of the Hindu Code. The Hindu Law Committee was revived in 1944 and after 3 years' deliberations and exhaustive enquiry that committee submitted a report with the draft Code in the year 1947.

The same year a Bill was introduced in the Central Assembly containing a part relating to intestate succession amongst Hindus. This Bill, having been referred to a Select Committee, that committee presented its report to the Constituent Assembly (Legislative) in the year 1948. This report was considered in the Constituent Assembly (Legislative) and the provisional Parliament from time to time, but, owing to heavy pressure of work and as that Bill covered the whole range of codifying the entire Hindu law, it could not be passed before the expiry of the period of the provisional Parliament.

In view of the difficulties experienced, it was decided to split the Hindu Code into certain parts and place each part separately before the Parliament. This Bill deals with the second part of the former Hindu Code Bill, the part relating to Hindu succession.

I am now going into the history of this Bill. This Bill was first published with the permission of the Chairman of the Council of States in the Gazette of India on October 26, 1954. After such publication, the Bill was introduced in the Council of States on 22nd December, 1954. Hon. Members are already aware of the stages through which this Bill has passed during the last year and a half. The subject-matter of this Bill has been discussed in both Houses in great detail and was subjected to careful scrutiny and examination in the Joint Select Committee of both Houses. The points raised in the various opinions obtained on the Bill when it was circulated, those raised by hon. Members during the course of the discussion in both Houses as the questions raised in the report of the Joint Select Committee were all carefully considered and discussed in the Rajya Sabha for over eight days and the Bill in its present form has been passed by the Rajya Sabha after this elaborate, full and detailed consideration of the matter.

I am fully conscious of the importance and far-reaching consequences of this measure and I am glad to say that the Members of both Houses of Parliament and their representatives on the Joint Select Committee have contributed the best of their efforts for the solution of this vital problem. This matter has been before the public and before this House and its predecessor since the year 1939, that is, for 16 years. I would appeal to the Members of this House to expedite the passing of this measure without any further delay. However important a problem, it must be solved within a certain reasonable time and it cannot be shelved for all time. This sovereign Parliament has been elected by about 17,80,00,000 of voters. Out of them, 8,50,00,000 are women and this Bill is primarily intended to remove the disabilities of nearly six crores of them. Hon. Members may well judge the importance of this question even from that point of view. No one can for a long time continue to rely only on their backwardness and social and economic dependence.

Before I deal with the details of the provisions contained in the Bill as passed by the Rajya Sabha, I would preface it with a few general remarks. It must be remembered that this Bill is to regulate the succession to the property of Hindus. The question of succession arises only after the death of a person and that too with regard to property which that person was possessed of at the time of his death and in respect of which he has made either no earlier disposition or, in the case of property which he could dispose of by will, has made no testamentary disposition regarding its devolution after his death. Thus, by this Bill, which only deals with intestate succession, no rights are conferred or could be conferred on the heirs mentioned therein, whether sons, daughters, widows or any others during the lifetime of the person concerned. By this Bill no such person gets any rights immediately in the property.

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For example, the daughter is now made an heir along with the son in the property of the father, but, by this Bill, she gets no immediate interest in the property of the father unlike the son in the joint Mitakshara family and will be entitled to share along with the son only after the death of the father and that too only in respect of the property, whether separate or joint which he may have left at the time of his death. I am saying this only with a view to remove a mis-conception either due to want of proper information regarding this technical matter or fostered by some who want to do so on political or other grounds.

In India, as I already said, for long periods past the Hindu family was regarded as the unit of society and that naturally led to certain developments. For instance, if the family is to be regarded as the unit of society, any woman who is born in that family but who goes out by marriage to another family has no place in the structure of such a society. By marriage she passes into another family and becomes a stranger in the family in which she was born.

With this central conception, therefore, what has been developed in the course of several centuries is meant for the preservation of that family as the unit. Originally there was no intention to discriminate against a woman on the ground of sex but the basic conception of the family as the unit of the society led to this discrimination and having been perpetuated through long periods of time became subsequently almost a matter of sacred sentiment. Social and economic changes have now made the individual the unit of the society in place of the family and in the very preamble of our Constitution we have recognised and assured the dignity of the individual whether male or female. It was for the purpose of preserving the family as a unit of society in times when such preservation was probably necessary in the interest of society that the doctrine of right by birth and its corollary the right by survivorship came to be introduced and associated with this joint family. This is what came to be known as the Mitakshara Joint Hindu Family. In such a family the property was owned not by the individual but by the family, the individual had only an indefinite share in it. By birth a male person acquired an interest in the joint family property and consequently by death his interest so acquired by birth in the joint family property reverted to family, that is to the surviving male members of the family. Thus the interest of a person in the joint family property diminished with the birth of a male person in the family and it increased with the death of such a person. There is no succession in the case of such mitakshara joint families in which the interest of a deceased coparcener passes by survivorship to the remaining coparcener. The right by birth is thus only a legal fiction that came to be introduced in the case of such joint Hindu families. It has no doubt gathered an amount of sentiment about it and is trying to persist in conditions under which it has become unsuited and almost unnatural. Whatever useful part it may have played in the past, it is now in conflict with the principles of natural love and affection and may take some time before it is entirely eradicated. In a matter like this, where deep-rooted sentiments persist, it is better to effect a gradual but definite change and that is what this Bill as passed by the Rajya Sabha seeks to do as I will presently explain.

Another important aspect of this system of mitakshara joint family is that the coparcener who is necessarily a male, has no difficulty so far as his rights in the coparcenary property are concerned; he can claim partition of his share and get it separated at any time and even a mere intention on his part to separate is enough to sever his connection with the coparcenary and become the separate owner of his share in the joint family property.

The other important variation of the joint family is the joint family known to Hindu Law as the Davabhaga Joint Family. The dayabhaga school of Hindu Law operates only in small areas of our country like Bengal and Assam. In the rest of the country, the mitakshara school of law—of course with several variations—operates in different parts of India except some parts in the South where an entirely different system of family, namely, the matriarchal system of family with numerous variations prevails.

When this Bill first came before this House, in clause 5 of the Bill it was mentioned that the Bill would not apply to joint family properties or any interest therein which devolved by survivorship on the surviving members of a coparcenary. When this matter was discussed in both Houses, a very large number of hon. Members objected to this on the ground that this was neither fair nor logical. It meant that the Bill would exclude from its application all properties which were governed by the mitakshara system of law which prevails in most of the parts of our country and would be at retrograde step as compared with the Hindu Code Bill which had been before Parliament and the public for the last so many years. The force of this argument of the hon. Members was irresistible and the Joint Committee of both Houses found a solution to this difficult and delicate task.

As I have already pointed out, there was not only no hardship, so far as members of a Hindu coparcenary who are males are concerned, but they preserve their rights to the exclusion of female heirs in general. But with respect to female heirs, if they were to be altogether excluded from the right to inherit under any circumstances in a joint Hindu family of the mitakshara type, the Bill would have failed to serve any useful purpose. The Joint Committee and the Rajya Sabha came to the conclusion that the Bill would not be complete unless the question of female heirs being entitled to a right of inheritance even in mitakshara joint families was included in it. They, therefore, provided a share to female heirs even in respect of property governed by the mitakshara school. As hon. Members are aware, when the Estate Duty Act was passed, a similar question had arisen. Estate duty is a measure of taxation of property which comes to a person by inheritance. In India, in the case of a large number of people who are governed by mitakshara system of Hindu Law, there is no inheritance with respect, at any rate, to the joint family properties which are held by the families concerned. If all such properties or any interest in such properties were to be excluded from estate duty because they devolve by survivorship and not by inheritance, it would have defeated the very purpose for which the estate duty was proposed to be levied. It was, therefore, then decided that, for the purpose of this taxation, the interest of a deceased coparcener should be treated as if his interest in the coparcenary property has been separated from rest of the coparcenary property just prior to his death. Following up this precedent, a similar method has been evolved for the purpose of giving a female heir a share in the property of the deceased member of a joint Hindu coparcenary; and just as the purpose of the estate duty could be achieved without actually disrupting the joint Hindu family governed by the mitakshara school of law, this Bill has proceeded to give a share to a female heir on the same basis without necessarily disrupting the joint Hindu family. This, in short, is the genesis of the scheme underlying clause 6 of the Bill, which is the most important clause so far as this Bill is concerned.

As hon. Members might know, at the time of the framing of the Hindu Code, which was once brought before Parliament and which was even considered by a Select Committee of the Provisional Parliament, they proposed to abolish the mitakshara system of inheritance altogether from the date of the passing of that Code. With

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that end in view, they proposed to abolish the right by birth and the right by survivorship which are the invariable concomitants of that system. They thus tried to make the dayabhaga system applicable to all Hindus. The present Bill, as passed by the Rajya Sabha, does not do so, but proceeds on different lines.

As already pointed out, so far as the Hindu mitakshara joint family is concerned, the male members are in a position of advantage. The difficulty is that females are excluded from such a family in the matter of inheritance and they cannot be members of a coparcenary in the very basic nature of that system of joint family. It was, therefore, thought desirable to provide that in the case of a mitakshara family, even after the passing of this Act, so far as the male members are concerned, their rights in the coparcenary should be allowed to be governed by the right of survivorship and at the same time provision should be made that female heirs, if any, of a coparcener should also be enabled to get a due share by way of inheritance in respect of the properties of such a coparcenary.

The Bill, therefore, proceeds first by making a positive provision in clause 6 that, whenever a male Hindu, having an interest in a mitakshara coparcenary property, dies after the commencement of this Act, his interest in the property shall devolve, by survivorship, upon the surviving members of the coparcenary and not in accordance with the provisions of this Act.

In order, however, that the females mentioned in class I of the schedule attached to the Bill should be entitled to a share in the property of such a deceased person, the Bill proceeds to do it by the addition of the proviso to clause 6; and this is done on the basis that the interest of the deceased had been allotted to him on a partition made immediately before his death. The underlying idea is that, while trying not to disrupt the joint family of the mitakshara type by this Bill, a daughter or a female heir in class I would also get a proper share in the property of the deceased coparcener. For a proper understanding of the scheme of clause 6, I would like to mention some of the main features of the Hindu mitakshara joint family and a Hindu dayabhaga family because that will enable those hon. Members who are not lawyers to appreciate what is being done. A Hindu coparcenary is a much narrower body than a joint family. It includes only those persons who acquire by birth an interest in the joint coparcenary property. These are the sons, grandsons or the great grandsons of the holder of the joint property for the time being: that is to say, three generations next to the holder in unbroken male descent. The property inherited by a Hindu from his father, father's father or father's father's father is ancestral property; the property inherited by him from other relations is his separate property. The essential feature of ancestral property is that if the person inheriting it has sons, grandsons or great grandsons, they become joint owners with him and become entitled to it by reason of their birth. So far as separate property is concerned the holder is the absolute owner thereof. But separate or self-acquired property, once it descends to the male issue of the owner, becomes ancestral in the hands of the male issue who inherits it.

A coparcenary is purely a creature of law. The interest of a coparcener in the coparcenary is a fluctuating interest, capable of being enlarged by deaths in the family and liable to be diminished by births in the family. It is only on a partition that a coparcener becomes entitled to a definite share. No female can be a coparcener under the mitakshara law.

The two main incidents of coparcenary property are that it devolves by survivorship and not by succession and it is property in which the male issue of the coparcener acquires an interest by birth. A coparcener has the right to claim partition of his share at any time and mere intention to separate is enough to sever his interest in the coparcenary.

According to the dayabhaga law, the sons do not acquire any interest, by birth, in ancestral property. Their rights arise for the first time on the father's death. On the death of the father, they take such of the property as is left by him, whether separate or ancestral, as heirs and not by survivorship. The father has absolute power to dispose of ancestral property. A coparcenary under the dayabhaga law may consist of males as well as females. That is a more liberal school of thought. In the dayabhaga law, there is no unity of ownership, but only unity of possession, and each has got a well-defined share in the coparcenary property.

I will try to explain clause 6 in greater detail, because that is the most important part of this Bill. Clause 6 proceeds on certain assumptions which will be made clear by the following illustration. I take the illustration of A, who dies and leaves behind S, a son, D a daughter and S-1 another son. The son S has got three sons, S-2, S-3, S-4. The son S-1 has got one son, S-5. Now, what are the assumptions which are made so far as clause 6 is concerned?

The first is that A the deceased had not separated from the coparcenary at the time of his death. If he has, the position is simple. If he was separated, then there will be no difficulty; all his children would share equally in the property, and the share of D, the daughter, would be equal to the share of each of the two sons, S and S-1.

The second assumption is that for the purpose of removing inequalities, a special formula should be devised for computing the share of the daughter in the interest of the deceased, and this was done by deeming the interest of the deceased A to include the interests of S, S-1, S-2, S-3, S-4, and S-5, if they are undivided at the time of the death of A. This requires a little explanation. Under the law as it stands in a mitakshara family, A, the father, his sons and grandsons have acquired an interest by birth in the property. What was tried to be done is that the property would be divisible only into three equal shares, on the death of A, S and S-1 taking *per stirpes*. This is what is provided in the Explanation. I will here read that explanation.

> "For the purpose of the proviso to this section, the interest of the deceased shall be deemed to include the interest of every one of his undivided male descendants in the coparcenary property...."

In the illustration already mentioned, if A died, leaving behind both S and S-1 as his undivided two sons and a daughter D, the object is to give the daughter a share equal to that of S and S-1, that is one-third in the property of A. If there is no provision as made in the Explanation, S and S-1 the two sons would claim that they have already got by birth one-third share each in the property of A: that is, two-thirds of the property of A and that in the remaining one-third to which A was entitled they would succeed equally with the daughter. If this provision was not there, the position would be that when A died, the two sons would have got one-third each, which means two-thirds would go and in the remaining one-third they would also share with the daughter. Thus the daughter would actually get one-ninth. In order to remove this anomaly, this Explanation has been provided. For example, if A's interest in the coparcenary was valued at Rs. 9,000 the two sons were already owners by birth in that interest to the extent of Rs. 6,000 and in the remaining interest valued at Rs. 3,000 they would be entitled to succeed equally with the daughter, and thus the daughter would be entitled to an interest worth only Rs. 1,000, that is one-ninth of the interest of A. Even if we provide that she should share equally with the son, this would be the result, if the Explanation was not there and it is on that account that it has been so provided.

By the provision of the Explanation, A's interest will be deemed to include the interest of his undivided

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sons and the interest which would thus be of the value of Rs. 9,000 the two sons and the daughter would get equally, that is, each of the two sons and the daughter would be entitled to get a share in A's interest, valued at Rs. 3,000 each. The provision in the Explanation is, thus, necessary to carry out the intention that the daughter and the sons should share equally in the undivided interest of A in the coparcenary property.

A good deal of criticism is made against this provision. In the first place, it is contended that due to this Explanation we are giving the daughter D a share not only in the interest of the deceased father A but also in the interest of the undivided brothers S and S-1 who became entitled to that interest by reason of their birth. Now this right by birth is merely a legal fiction and what the Explanation does is to negative that fiction. It is again argued that to get over the effects of this Explanation and deprive the daughter of her legitimate share it would be easy for the sons S and S-1 to claim partition during the life time of the father and get separated. It is further contended that as a result of this Explanation people will resort to partitions to avoid the effects of this provision. This law of inheritance is based on the principles of natural love and affection and whatever the prejudices and sentiments against it at present I am sure that the natural feelings of love and affection will ultimately triumph and the future fathers and brothers will abide by this law to ensure justice for their daughters and sisters. I have better faith in human nature and the fears expressed, I am sure, will prove unjustified.

While the Bill was being considered in both the Houses of Parliament, there was considerable opposition to the provision in clause 5, which laid down that this Bill shall not apply to any property, succession to which is regulated by the Madras Marumakkattayam Act and the several other Acts mentioned in sub-clause (3) of clause 5. All these Acts relate to matters which are governed by that system of law which can broadly be described as the matriarchal system prevailing in the south-west coast of India. This sub-clause (3) is now omitted, like sub-clause (1) of clause 5 which related to property governed by the mitakshara school of law. This is a right step in the direction of having one uniform law. The Rajya Sabha, by incorporating clause 7 in the Bill, have provided for succession also to the interest of persons governed by the different laws prevailing in this matter on the west coast of India. Thus they have rightly provided for succession in respect of all Hindus. A very satisfactory feature of the provisions contained in clause 7 is that it has secured the unanimous approval of all those hon. Members of Parliament who represent the areas where this matriarchal system prevails.

Another important change made by the Rajya Sabha is the provision that each surviving son or daughter shall take equal shares. In the original Bill, each surviving daughter was given only half a share. It should be noted that even the Select Committee which was appointed by the provisional Parliament to report on the lapsed Hindu Code Bill had given the daughter a share equal to that of the son. The Joint Committee also agreed with the last Select Committee in this matter. I am glad the chosen representatives of Parliament, both Provisional and the present one, and the Rajya Sabha agreed on this point which is only just and fair. Some people object to this equality of share on the ground that the family has already spent large sums of money even at the cost of family property for the marriage of a daughter. But it is to be borne in mind that much money has to be spent in some cases also for the marriage of the sons and the provision of ornaments for their wives, that is, the daughters-in-law of the family. Ruinous marriage expenses are a matter of common condemnation and

hardly any part of it enures for the benefit of the daughter in case of necessity. It is hardly fair and just that a daughter should be denied equal share on account of something which has been done not mainly for her and at any rate, a large portion of which does not enure for her benefit. I am sure after the passing of this law, marriage expenses will go down and the evil of dowry will diminish. Not only that, but the status of women as a whole will rise.

Now, a daughter once married is treated as dead in the house of her father. Whatever the social and economic conditions in the past, in the present conditions of society, a married daughter in the house of her husband or father-in-law, after the passing of this law, will always feel that she has a continuing place in her father's house and that she is not a mere helpless being who has to depend upon the sweet will and the whims of her husband, or the members of her husband's family. The husband or the members of the husband's family will also begin to feel that the wife or the daughter-in-law is not wholly at their mercy and will give her better treatment. The psychological aspect is far more important than the material one.

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From the material point of view also, in case of death of her husband, or in the case of her being discarded by him, the resources left by the father will be available to her as of right. Even now she might be getting it, but only as a matter of mercy from the brothers, or more often their wives. Having embarked on the task of recognising the dignity of person, irrespective of any distinction of sex, the only right thing to do will be to treat her equally with the son. How can we, consistently with the provision in the Constitution, that there shall be no discrimination on the ground of sex, give the daughter half a share and give the son a full share in the property of the father? If an unmarried daughter becomes entitled to a share in her father's estate after his death, I am sure, her brother will spend for her marriage out of share in the inheritance. There is no reason to suppose otherwise.

The original Bill abolished the Hindu woman's limited estate with respect to property, which may hereafter be inherited by a Hindu female. The Joint Committee have now provided that properties held by Hindu women at the commencement of this Act, should also be held by them as full owners and not as limited owners.

As regards succession to property held by female Hindus, the Bill lays down that, if a female Hindu dies childless, then, in respect of property inherited by her from her father or mother, that property will devolve upon the heirs of the father, and in respect of property inherited by her from her husband or father-in-law, it will devolve upon the heirs of the husband.

This is an exception to the general rule of succession anywhere else, but it is justified by the peculiar conditions in our country.

By clause 24 of the Bill, a right of pre-emption is given to the heirs so that if any heir wishes to dispose of his share in the property, the other heirs may claim a right to pre-empt. This provision is in general terms and applies to all heirs. The provision in this respect in the original Bill was not in such clear and explicit terms and was not applicable to all heirs.

Although in (clause 6) of this Bill right of getting a share even in the mitakshara joint family property is given to a female heir, it has to be noted that she has not been made a coparcener of that joint family. Such property may be business or other immovable property. The right of pre-emption provided by clause 24 will tend to allow properties to continue in the family, if the coparceners or other heirs want to preserve them for the family.

An Hon. Member: The time is up.

Shri Pataskar: I am looking to the watch and I will see that I finish in one hour.

A new clause 25 has been added to the Bill, making special provision regarding the dwelling house. A dwelling house of the family is a matter of great sentiment in our country. Besides, in the rural conditions obtaining in our country, it is the family necessity. It is the prime family necessity. A daughter generally passes by marriage into another family and has to stay normally in her husband's family house. She is also likely to act under the influence of her husband. Under these circumstances, it has been provided that a female heir should not be given the right to claim partition of a dwelling house, until the male heirs choose to divide their shares in the dwelling house and partition the same. The female heir has, however, been given the right of residence in such a house.

As we are aware, in many cases, the female heir may be a woman discarded by her husband, or may be a widow whose husband had left no house, and it is likely that in such cases she will come and reside in the house of her father. That is the main reason why the Bill provides for this right of residence in the family dwelling house of a female heir.

While considering this question of inheritance amongst Hindus, many new questions arising out of the changed social and economic conditions have arisen. For instance, while discussing this matter, many hon. Members suggested that an unmarried daughter may be given a share in the father's property but that a married daughter should not be given such a share. Now, a married daughter might be well placed or might be in indigent circumstances. The same might be true of an unmarried daughter. There might be an unmarried daughter who is well educated at the cost of the family and might be fitted to earn well for herself, and there might be an unmarried daughter neither endowed with charm nor intellect by nature. Similarly, in the case of sons, one might have been educated at the cost of the family and might be a good earner, the other might be poor in intellect and incapable of earning enough. In business too, one may be able to earn a good deal and another may be wanting in qualities necessary for good business. Any uniform hard and fast rule regarding such a matter is not possible. The best thing to do therefore would be to give every Hindu the right to make a will regarding his property. Even if he is a member of the Hindu mitakshara family, he should have a right to make a will in respect of his interest in the coparcenary, because he is the best person to decide all these matters. If one of his daughters or sons is well placed, he must be in a position to provide less for him or her; if, on the contrary, one of them, for any reason, needs more, he must be in a position to provide more for him or her. If he has already spent more for the marriage of a daughter, he must be in a position to decide what he should do about it. Clause 32 gives this testamentary right to a Hindu. Under this clause with its Explanation a male Hindu coparcenary has been given the right to make testamentary disposition of his interest in the coparcenary property. I think those alarmed at the prospect of their family properties passing to outsiders owing to the provisions of succession to daughters will be satisfied that this provision will enable them to effectively prevent it if they so desire.

The criticism levelled against heirs in Class I of the Schedule is that it is too long. On the other hand, it should not be forgotten that many of the heirs mentioned therein will only come in in the absence of their predecessors. The enumeration of heirs in Class I proceeds on the basis that, as far as possible, male and female heirs who are related to the deceased in the same degree are treated in the same manner. If the doctrine of representation is applicable in the case of pre-deceased sons, it should also apply in the case

of pre-deceased daughters. The Schedule as amended by the Joint Committee was accepted by the Rajya Sabha except for the fact that the mother was removed from Class I and put into Class II along with the father.

A fear was expressed in certain quarters that this Bill will interfere with problems of land policy. This is due again to another misconception. This Bill is one which lays down the personal law of the Hindus. My attention was drawn to the provisions of section 59 of the Punjab Tenancy Act. It lays down certain rules of devolution regarding agricultural lands in that State. That law relates to agricultural lands and it applied to all, whether they are Hindus, Parsis, Christians or Muslims, and their personal laws of succession can never override the provisions of that Act relating to devolution of interest in agricultural lands. In India, land tenures, their holding, and many matters connected with that question, are different from area to area. The question of a general and common land policy for the whole country is yet to be evolved. When evolved, it will apply to all Indians alike in so far as lands are concerned, and the personal laws of Hindus will not have an overriding effect over them. A good deal of misconception in this matter prevails in those parts of the country where once zamindari tenure prevailed and where, after the abolition of zamindari, new tenancy rights are created by different Acts. I am informed that there are such Acts in Uttar Pradesh, Bihar and some other States. The land policy in those States will not be affected by the provisions of this Act which is a personal law dealing with the question of succession amongst Hindus. For the removal of any such doubts it has been provided in sub-clause (2) of clause 4 that nothing contained in this Act shall be deemed to affect the provisions of any law for the time being in force providing for the prevention of fragmentation of agricultural holdings or for the fixation of ceilings or for the devolution of tenancy rights in respect of such holdings.

The limited estate known as the Hindu Women's estate has given rise to a good deal of litigation at the instance of reversioners and other persons. In the olden days, when women were not given rights of inheritance and when conditions were different, the limited estate might have been justified. But in the present context of things there is no doubt that this should be abolished. It not only gives rise to litigation, but also seems to suggest that women may not always be capable of looking after their property. No doubt, the Rau Committee merely confined itself to providing that the woman should have full rights over her stridhana property, but at every subsequent stage when that Bill came to be considered it was felt that the Hindu woman should have full rights over whatever properties devolved upon her. The only restriction placed upon this provision was that it should only apply to properties acquired hereafter by a Hindu woman. The Joint Committee, on the other hand, felt that there was no reason for this restriction. Whatever property is in the possession of a woman at the time of her death, whether it has been acquired before or after the commencement of this new law, should be her absolute property. After all, why should the expectant interests of a reversioner have any bearing upon this issue? He has no present right in the property. He is in no way better entitled to the property than the woman who is actually in enjoyment thereof, and if any of the expectant rights of the reversioner are taken away there should be really no cause for complaint from any quarter. What is being done by clause 16 of the Bill is only to enlarge the estate held by a woman in certain cases and it would be incorrect to say that it is retrospective in character.

To sum up, I would like to place before the House the following special features of this Bill, which, I hope, will commend themselves to

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the acceptance not only of this House but of the public in general:—

(1) By this Bill, the joint family of the mitakshara type is not abolished, and that is the main difference between this Bill and the provisions of the lapsed Hindu Code regarding the same.

(2) At the same time, a daughter is given a share in the property of her father even if he was a coparcener in a joint Hindu family to the same extent as an undivided son.

(3) This Bill does not in any way take away the right of any member of a Hindu coparcenary to get himself separated from the coparcenary.

(4) In order that a coparcener may be able to make proper adjustment between the sons and daughters regarding the share or shares which they should or should not get in his interest in the copercenary property, he is being given the right to make a will regarding the same.

(5) The limited estate, known as the Hindu woman's estate, which was the cause of costly and protracted litigation in courts, has been abolished.

(6) To allay the fears of the rural population on the ground of fragmentation of holdings, or the conflict of this law with the question of fixing of ceilings, or its possible effect on the devolution of tenancy rights, particularly in areas like Bihar, Punjab, Uttar Pradesh and the Andaman and Nicober Islands, provision has been made that nothing contained in this Act shall in any way affect any such provisions of any other law in that connection for the time being in force.

(7) In order to preserve family properties, the right of pre-emption has been provided.

(8) Provision has also been made that in the case of a female Hindu, who, after inheriting property from her father or husband, dies without leaving behind any child, the estate so inherited will devolve after her death on the heirs of her father or husband, as the case may be.

(9) As regards family dwelling-house, provision has been made that a female heir would not be entitled to ask for a partition of the same till such time as the male heirs choose to divide their respective shares. She is, however, given a right of residence in certain hard cases.

These are some of the features of the Bill which, if taken into account, I am sure, will dissipate some of the apprehensions which some people feel on account of long-standing sentiments and prejudices.

I have dealt with almost all the important provisions contained in the Bill. Ever since this question of the reform of Hindu law was first seriously raised in the year 1937, it has gone through various stages and the matter has all along been a matter of great excitement on the part of different sections of our society. However, having started with this task, it should be our duty and endeavour to try to settle this question as expeditiously and as satisfactorily as we can.

Political and economical changes are moving fast not only in our country but also all over the world. In our country, our freedom has cast on us added burdens. Political freedom will have little meaning without economic readjustment for ensuring the contentment and prosperity of Indian society as a whole. We are already pursuing several measures in that direction, that is, in the direction of economic adjustment. There can be no economic adjustment without the establishment of a just social order. To secure justice, social, economic and political, to all our citizens is the pledge which we have taken by our Constitution. We have to achieve this by peaceful means. The only peaceful approach to this matter of social justice can be by means of legislation.

By this legislation we are trying to solve an important social problem. Since the attainment of freedom, the political and economic life of the people has undergone vast changes and we cannot allow social conditions to exist which are entirely inconsistent with the changed economic and political life of the country. I would, therefore, appeal to the hon. Members of this House to look to this measure as a means to find a solution of the long-standing social problem.

I know some parties will try to take advantage of deep-rooted prejudices and sentiments in respect of such a question, but that need not deflect us from our task. I am aware, we are not writing on a clean slate. We have to take note of the existing conditions of our society as much as the necessity to change them in conformity with our objective. I agree we must take an attempt to co-ordinate the existing with the future, so that the present will be transformed by a process of evolution into something which suits the rapidly evolving future. There is no desire suddenly to disrupt the life anywhere, whether in cities or rural areas, and whatever suggestions were made in this regard have received earnest and careful consideration.

Recently, a suggestion has been made by some persons that a daughter may be given a share in the father's property by birth as in the case of a son; but that after her marriage that share in the father's property should cease to exist and she should become entitled to a share in the property of the husband. I think a resolution in this behalf has been recently passed by some ladies from Uttar Pradesh. It amounts to making a woman coparcener in the father's family before marriage and a coparcener in the husband's family after marriage. This is something which is novel in character and unknown to any law, ancient or modern. The same person is moved from her rights to property in one family to rights in another family. In many cases, property being different, these rights will vary and this might lead to unforeseen consequences in the social life of the person concerned. Every system of jurisprudence is based on the theory that property is meant for a person. In this arrangement, property is meant for a person, but a person is meant for property. So, in the interest of property, a person is transferred from one property to another. Property does not follow person, but a person follows property. That is the essential character of this proposal so far as I can see it. To say the least, such an experiment has never been tried under any system of law, and it is better to avoid starting on any such adventure. Of course, I will patiently hear the exponents of this view and listen to whatever they have got to say.

I have respect for the sentiments and feelings of all. Unfortunately, they vary from one extreme to another. The problem is difficult, but it is crying for solution for the last several years. Let us try to resolve it in a spirit of accommodation. We cannot delay it, for delay will not be in the best interests of the society. Our solution may not meet with universal approval, but it is the result of our endeavour to solve this matter in the true spirit of its being in the best interests of our society and the country as a whole.

I remember, Sir, with gratefulness, the high tone and the underlying high spirit of the debate in this House at the time when this Bill was agreed to be referred to the Joint Committee and the principles underlying the Bill were accepted. I am sure, and I feel confident that, with the same spirit and with the same high tone this motion which I am making will find favour with all hon. Members of this house.

Mr. Chairman: Motion moved:

"That the Bill to amend and codify the law relating to intestate succession among Hindus, as passed by Rajya Sabha, be taken into consideration."

[Mr. Chairman]

I understand the arrangement is that after the motion for consideration is moved, further discussion will be adjourned to the next session.

Shri Raghavachari: If the matter is adjourned to the next session, certainly I can give an amendment. My point is this. The principle to which this House was committed was on the basis of the Bill as it was introduced in this House, excluding the operation of the Bill to the mitakshara families. That was the principle. Subsequently the whole thing has been changed and the mitakshara joint family also has been brought under the provisions of this Bill, not by the Rajya Sabha, but by the Joint Committee. The question is, whether the Joint Committee can go into matters of principle to which the House was not committed. If that Committee goes beyond the powers, the House can still raise the objection. I will certainly move an appropriate motion, but I wanted to mention the point.

Shri Bogawat (Ahmednagar South): I support Mr. Raghavachari's point.

Pandit Thakur Das Bhargava: (Gurgaon): You are only postponing the consideration stage to the next session. All these amendments will come before you at that time; only the hon. Minister has finished his speech. That is all.

Mr. Chairman: I also think that all the objections etc. may be raised at the time when it is taken up again.

Shri Pataskar: After having made the motion and also my speech, I would like to be noted that this should be taken up on the earliest occasion next time. Otherwise, it will keep on pending before the House.

Mr. Chairman: That will depend upon the Business Advisory Committee.

Shri K. K. Basu: (Diamond Harbour): We want the speech of the hon. Minister to be circulated.

Mr. Chairman: That will be done. But the point whether the Joint Committee went beyond the principle which was accepted by the House at the time of agreeing to the Bill being referred to the Joint Committee etc. will be considered at the time when it is taken up. Further consideration of the Bill, therefore, stands over.

WORKING JOURNALISTS (CONDITIONS OF SERVICE) AND MISCELLANEOUS PROVISIONS BILL

Mr. Chairman: The House will now take up the Working Journalists (Conditions of Service) and Miscellaneous Provisions Bill, 1955, as passed by Rajya Sabha. Before I call the Minister of Information and Broadcasting to move the motion for consideration of the Bill, I wish to inform the House that recommendation of the President under clause (3) of Article 117 of the Constitution for consideration of this Bill by Lok Sabha has been duly received.

The Minister of Information and Broadcasting (Dr. Keskar): I beg to move:

> "That the Bill to regulate certain conditions of service of working journalists and other persons employed in newspapers establishments, as passed by Rajya Sabha, be taken into consideration."

This is one of the most important recommendations of the Press Commission. In point of fact, I consider this to be the most important recommendation, if we take human values into consideration. There are a number of things affecting the structure of the industry like the profit and loss and many other things which can be taken into consideration. But the welfare of the persons who run the industry, who work in it, and their future and their prosperity should have the first place. I think, therefore, that this Bill should be given the most serious consideration

and the greatest amount of sympathy and support from the Members of this House. The reason for bringing forward a Bill which contains a large number of items concerning the service conditions of journalists is that this is a peculiar profession. It is not like any other profession. Here the nature of the work and hours of work are so different from other professions that it has been necessary and the Press Commission, therefore, has made a strong recommendation that in order to ensure that satisfactory conditions of service prevail in this profession, Government should bring forward legislation laying down certain general and important principles which should govern the service conditions of working journalists. For this reason, we have given a high place to this legislation amongst the various recommendations of the Press Commission.

The Bill was introduced during the last session in the Rajya Sabha and I regret that due to pressure of work, it was not possible to have it taken up during that session itself. That has resulted in delaying this measure by many months and the delay is all the more regrettable as the uncertainty that has prevailed during this interim period has not added to better conditions for working journalists. From that point of view also, it is necessary that Parliament passes some measure without the least delay laying down the general principles governing the service conditions of working journalists. This Bill, after it was introduced and even before introduction, was discussed by us with the representatives of the various interests concerned, the proprietors on the one side and the representatives of the working journalists on the other side. Before the Bill was introduced, we had discussions with them as to the proposals that we wanted to bring before Parliament and in the light of that discussion, certain changes took place. After the introduction of the Bill also, we invited their considered opinion on the Bill and we had the benefit of their advice and suggestions. In the light of that, a number of changes did take place during the discussion in the Rajya Sabha and a number of improvements have also been made in the Bill. This, I am detailing to the House, in order to show that the measure is not the result of trying to precipitate anything or bringing forward something hurriedly, which is to be rushed through, but it is something which has been thought over and fully discussed with the various interests concerned. It is obvious that in a number of details there will be differences of opinion, because of the principles involved, whether it is a question of leave, hours of work or other matters. There will be different opinions and we have to strike what we consider to be a mean, the greatest common measure of agreement; it is bound to lead to, I would not say dissatisfaction, but a measure of disagreement, amongst those who do not agree with this. But we did consider all the suggestions that came before us. There were a variety of these recommendations which came and after duly considering all of them, the Government have brought forward the Bill. Whatever changes have taken place in the Rajya Sabha have also been made after discussion with the interests concerned.

4 P.M.

I would like to say briefly here the main matters dealt with in this Bill. This Bill deals with the following items of the service conditions of working journalists. Retrenchment. In retrenchment, there is also a special retrenchment clause which has been put in in order to protect those who might have been retrenched from the time of the publication of the Press Commission's report to the passing of the Industrial Disputes Act—making it applicable to the working journalists—and those who might have been discharged or retrenched in order to get round whatever future recommendations were coming from Parliament. The special retrenchment clause has been

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put in to protect those people who might have been discharged. There is the question of gratuity, hours of work, leave; there is the wage board for determining the wages for working journalists; finally, there is a penalty clause for not observing the regulations regarding hours of work.

Shri Feroze Gandhi (Pratapgarh Distt.—West *cum* Rae Bareli Distt.—East): Would you clarify this point so that no more time is taken later that this determination of wage will be the graded wage and not only the minimum wage?

Dr. Keskar: I propose to say that. It means grades of salaries rather than scales of wages.....

Shri Feroze Gandhi: Scales of salaries is not gradation of wages. That is different.

Dr. Keskar: About the retrenchment clause, I do not wish to say much in the preliminary discussions. The gratuity clause has led to certain discussions in the other House and also with the representatives of the industry. There has been a certain opposition to that part of the proposal which lays down retrospective gratuity for all working journalists who have put in more than a certain number of years of service. As far as we are concerned, after due consideration of the conditions which prevail in other industries and other professions, we came to the conclusion that retrospective gratuity should be given to working journalists and gratuity should be given to them as in all other professions. We have tried to take into consideration the fact that for the first time a gratuity provision is being laid down by law. In order that there may not be a certain burden on the papers which are not fully equipped for that, and which have not taken this into consideration before, we have made a clause here. In this clause, it is stated that establishments which are smaller and which, therefore, have not got financial resources, will have to pay a much more reduced rate of gratuity than the other bigger establishments. This is in order to see that the smaller papers do not suffer under a new burden which they did not bargain for and for which they have no resources.

The important change that was made during the discussion in the Rajya Sabha was regarding wages. The original proposal was for a minimum wage board in the discussions, we explained to the representatives of the journalists as also to the Members of the other House the difficulties that the Government felt in fixing particular sums as statutory minimum wage and the implications that it will have in further laying down of minimum wage for other industries which are bound to come and which will be coming. We felt there were many difficulties. Therefore, we had proposed a standard procedure for fixing the minimum wage, and a procedure for a minimum wage board which could be followed in the case of other industries, which might come for such fixation.

Shri K. C. Sodhia (Sagar): May I know whether wages will be fixed also for correspondents?

Dr. Keskar: If the hon. Member will allow me to finish, I will certainly clarify that point.

Mr. Chairman: That would be better.

Dr. Keskar: We had the benefit of discussing this question again with the representatives of the working journalists and we came to a happy agreement. In the light of that agreement, we have changed this particular clause and instead of having a minimum wage board, there will be a wage board which will fix the rates of wages for journalists. We feel that this is, in the long run, a far better and more secure provision for them than fixation of a statutory minimum wage. I am not going into the whole question now,

because, that itself might take a long time. There are a number of principles involved there. I have just mentioned here the important points in which a change took place while the question was being discussed in the Rajya Sabha.

Taking from the beginning the provisions first, it re-affirms the application of the Industrial Disputes Act for settlement of all disputes. This has been included in this Bill so that there may be no need to take up the Industrial Disputes Act, as, after the passing of this Bill, that Act will be repealed. It has been included here. As far as notice period for retrenchment is concerned, in the Bill, according to the recommendations of the Press Commission, an enhanced provision for notice period has been given. Gratuity as a means of social security in addition to any compensation for retrenchment has been suggested here. Maximum hours of work for a period of 4 weeks has been suggested here. Earned leave and leave on medical certificate, practically on the same model as it is for government servants has been suggested. Then, there is fixation of wages by a wage board. That, of course, will take its own time. These are the main provisions.

In some ways, the Bill itself is not a major Bill. It is a small Bill. Most of the provisions that have been made here could be found in a number of Industrial Disputes or Industrial Acts. They have been taken from other comparative Industrial Labour Acts and put in here. But, it is important from the point of view that we are trying to apply it to an industry which up to this time was not able to get all these benefits, a piece of legislation, which, for the better working of our Press, for the better security of our journalists and therefore for a better, I would say, freedom of the press in this country, is highly essential. It gives greater economic protection to the journalists who are working in this profession. The profession of journalists, though it employs a smaller number of people, is probably amongst the most vocal and vociferous of professions. One journalist can make as much noise as 100 politicians though they would not acknowledge it. I think the importance of this Bill from that point of view is great. Moreover, the principles that are being laid down here today are those which will serve as a model for other liberal industries and other liberal professions. From that point of view, it is a new departure, a kind of a new charter. I think it will be something which will react to the benefit of other intellectual and similar types of workers. From that point of view also, I think this Bill is a highly important one.

After the Bill was scheduled to come up here, I got a number of suggestions and amendments bringing to my notice economic or financial hardships that might come to certain papers because of certain provisions of the Bill. I have not had the time to go into them very thoroughly. I might say this here. I am prepared to look into all these questions very carefully and see, if there is any case of financial hardship, as to what we can do to make proper adjustments. At the same time, I feel that it will be highly improper and unjust to try to hold up this Bill now for making such minor adjustments because, holding up this Bill now means holding it up for 2 or 3 months and depriving the various categories of journalists of the many benefits conferred by this Act. Whatever suggestions might come, we shall look into them carefully and see if any adjustments are necessary, and if they are found necessary, I am prepared to make them. I have got a number of them, and I shall certainly look into them.

It is quite possible that in certain specific cases it might lead to financial hardship. But here we are only

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laying down a general proposition. If we find that there is any hardship, we shall see whether any adjustment can be made. But I would suggest that for that reason it will not be right to hold up the Bill and not to pass it, as that would mean greater hardship and greater injustice to a large number of people, and will not be an act of social justice. I would therefore request that those who have some differences with the Bill, differences of detail, cases of financial hardship etc. should not try to hold it up now. They can bring them to my notice, and we can go into them very thoroughly and see how they can be remedied; and if there is any remedy necessary, or any adjustment or any amendment necessary, later, we shall certainly do so.

Shri Raghavachari (Penukonda): May I enquire whether the hon. Minister wants that the objections should be mentioned on the floor of the House or whether he will consider them even if they come to his notice otherwise?

Dr. Keskar: I am prepared to consider them even otherwise.

While I am pleading for this, I might say first of all that I am making a very short speech in order to spare time, and leave time for other hon. Members, though there are certain points on which I could have spoken at greater length.

I understand that there is a desire to adjourn at about 5-30 P.M. If that is so, then I would not take too much time. My only appeal is that from the point of view of justice and protection to a high and honourable profession, the proposition has been pending before Parliament for a pretty long time, it might be better if the House agrees and co-operates in passing the Bill quickly here.

Shri Algu Rai Shastri (Azamgarh Distt. East *cum* Ballia Distt.—West): It should be passed today.

Dr. Keskar: I am saying this because there are a very large number of amendments pending, and I am only appealing to my hon. friends who have put in amendments here. I am prepared to consider whatever rectification is necessary, according to facts that might be brought to our notice. I do not want to say anything further at this stage. I would only appeal to my hon. friends who have put in a large number of amendments to take this appeal into consideration.

Mr. Chairman: Motion moved:

> "That the Bill to regulate certain conditions of service of working journalists and other persons employed in newspaper establishments, as passed by Rajya Sabha, be taken into consideration."

I would like to know the sense of the House as regards the division of the time allotted to this Bill as between the general discussion, the clause-by-clause consideration, and the third reading.

Some Hon. Members: Five minutes each.

Mr. Chairman: That is all right. I want to know how much time we should devote for the consideration motion and how much for the second and third readings.

Shri S. L. Saksena (Gorakhpur Distt. —North): One hour for the consideration motion, and one hour for the rest.

Dr. Keskar: May I make a submission. There are about 20 clauses in the Bill, and even the mechanical process of passing the clauses takes a little time.

Pandit Thakur Das Bhargava (Gurgaon): All of them will be put together.

Shri Algu Rai Shastri: All the clauses should be passed together.

Shri T. B. Vittal Rao (Khammam): All the amendments should be taken together.

Shri V. G. Deshpande (Guna): Half an hour for the clauses.

Shri M. S. Gurupadaswamy (Mysore): One hour for the clauses.

Pandit Thakur Das Bhargava: We should devote as little time to amendments as possible.

Shri Bhagwat Jha Azad (Purnea *cum* Santal Parganas): It should be left to every speaker to speak either on the consideration motion or on all his amendments. Everything should be taken together, and finished by 5-30 P.M.

Pandit Thakur Das Bhargava: The least possible time should be given for amendments in accordance with the appeal of the hon. Minister.

Shri Raghavachari: I would respectfully submit that you may be pleased to allot half an hour for general discussion and about an hour for the clause-by-clause consideration and then close the discussion.

Shri B. S. Murthy (Eluru): Now that the hon. Minister has said that he will consider all suggestions and he is prepared to bring in amendments if necessary, I think all the amendments may be withdrawn, and we may have one hour for general discussion.

Mr. Chairman: That depends upon the Members who have tabled amendments.

Shri Sadhan Gupta (Calcutta South-East): I think the maximum number of amendments stand in my name, and I am quite prepared not to move them.

Shri D. C. Sharma (Hoshiarpur): There are many amendments in my name also. I do not move them.

Shri S. L. Saksena: We shall have one hour for general discussion, half an hour for the clauses and half an hour for the third reading.

Mr. Chairman: Since Shri Sadhan Gupta is not moving his amendments, practically we get all the time for the consideration motion. And I propose that we shall continue general discussion up to 5-30 P.M.

Shri Feroze Gandhi: Up to 5-20 P.M. The House should be adjourned at 5-20.

Shri S. L. Saksena: Up to 5 P.M. we shall have general discussion, and we shall have half an hour thereafter for both the second and third readings.

Dr. Suresh Chandra (Aurangabad): So, what is the final decision?

Mr. Chairman: We shall have one hour for general discussion, and half an hour for the second and third readings, and by 5-30 P.M. we pass this Bill.

Shri Feroze Gandhi: It is 4-20 P.M. already.

Shri Algu Rai Shastri: It is only 4-17 P.M.

Shri M. S. Gurupadaswamy: Although the Press Commission submitted their splendid report to Government long back, the hon. Minister has taken a pretty long time in bringing forward this measure. The delay is regrettable; the postponement is inexcusable. Though it is regrettable and inexcusable, yet after hearing the hon. Minister and after seeing that he has got a full heart in this measure, I feel that this little indiffernce can be overlooked. While supporting this measure, I would go to a limit up to which any hon. Member of the Opposition would go, and also any hon. Member of the ruling party could normally go, and even beyond, because I feel it is a good measure.

Shri Algu Rai Shastri: Very good measure.

Shri M. S. Gurupadaswamy: I do not say 'very good', because there is scope for improvement. I do not want that the House should take long over the amendments, for the journalist world is very anxious that this Bill, should be passed in this session.

An hon. Member: It is quite perfect.

Shri M. S. Gurupadaswamy: This Bill deals with the working conditions of journalists. I do not want to take the House through the whole gamut of the history of the conditions of the working journalists in this country, because they were discussed here only the other day. It is enough if we remember that the journalists are treated like deserted queens of royal families.

I say so because journalists are regarded as very dignified people belonging to a very decent profession and they occupy a very important estate in the State. In spite of this high place their conditions are deplorable and the treatment meted out to them by the employers is the worst. They find themselves in a sort of blind alley. In spite of their work, their attainments, they cannot be sure they have got any future. In this context, this Bill gives little hope and little contentment to the journalist class.

The Bill deals with the constitution of a Wage Board, hours of work, period of notice and so on. I support the principles governing these things, but while doing so, I want to make one remark about gratuity. There has been a distinction made in the Bill between one type of gratuity and another. Newspaper establishments which have less than six working journalists are treated separately, and the gratuity payable to those journalists who work in these establishments is less than the gratuity payable to others. I cannot understand this discrimination. The work is the same. If we are to give respect to the provisions of the Constitution, we should implement the principle 'equal pay for equal work'. That is a principle which we adore and respect and which we want to implement, and the Government, committed as they are to a socialistic pattern of society, will, I believe, also support me. When the work is the same, when the responsibilities are the same, when the conditions are the same, I do not know why this distinction should be made. I want the hon. Minister to take note of this and I wish that he should not make any distinction between two classes of journalists in this matter.

Shri K. C. Sodhia: The distinction is made simply to protect the smaller newspapers. If the same burden is to be put upon the smaller newspapers, then they will curse us.

Shri M. S. Gurupadaswamy: I know the condition of the smaller newspapers.

Shri Feroze Gandhi: You know the condition of the bigger ones.

Mr. Chairman: I may just intervene. Hon. Members themselves have settled that the time-limit for speeches should be five minutes. But if in this way one Member takes up more than ten minutes, what can be done with the long list that I have got?

Another point is this. I think the time at the disposal of each Member is not at all sufficient to deal with the general conditions of journalists, as is generally done in the general consideration stage or at the third reading stage. It would be better if Members can point out any defect or suggest any modification instead of covering everything.

Shri M. S. Gurupadaswamy: I will make some suggestions.

Mr. Chairman: He has taken so much time and now he wants to make suggestions. In this way, how can the promise be kept? In any case, we have to finish the Bill by 6 O'clock today. We cannot go beyond that. Keeping that in view, Members who get a chance to speak may speak as short as possible. That is my appeal.

Shri M. S. Gurupadaswamy: I shall finish in a minute.

I was talking about the distinction made between the small and big news-

paper establishments. I know the condition of the small newspaper world. If relief is to be given to the small newspapers, that would be given in respect of wages and the Wage Board can take that matter into consideration. But no distinction should be made in respect of gratuity. That is my point.

Then no provision is made for payment for overtime work. Here hours of work have been fixed, leave and holidays have been fixed. But if there is any overtime work, then penalty is provided for the employer. According to the Factories Act or the Plantation Act, along with penalty for overtime work, payment for overtime work is also provided. I think it is very reasonable to demand that the same provision should be made in this Bill for overtime work.

Lastly, I commend this measure and I hope that the Minister will bring immediately another measure which will improve some of the provisions of this Bill.

Shri Sadhan Gupta: This Bill has not come one day too soon. The Service conditions of journalists are scandalous and many facts can be cited, into which I do not want to go. I would quote only one very typical instance of how working journalists are treated. There is a leading Bengali daily in Calcutta, called the *Anand Bazar Patrika.* In that daily, one gentleman worked for 18 years. Suddenly, on the 28th November 1954, he was given a letter to' the effect that his services were no longer required. No reasons were assigned for it.

Now, the Editor and other staff intervened and then the proprietors assured them that they would reconsider the decision. But it finally appeared that that was only a device to prevent him from appearing and giving evidence before the Press Commission as to how he had been retrenched. The day the Press Commission left Calcutta,the proprietors said that their order was final.

Now the reason came out later on. It was that he had written an article in a journal satirising the activities of Press lords—the doings of Press lords in the newspaper industry. Though the story did not refer to that paper, that was the reason for his being driven out after 18 years of loyal and faithful service.

That is why this Bill is of so much importance. If this Bill goes to cure a fraction of injustices of this kind, it would have done a great service. I do not agree that this Bill is perfect. There are many matters in which I disagree with the provisions of the Bill in the sense that I want to improve them. For example, in the matter of notice, the Federation of Working Journalists have always desired a uniform notice period of six months because the journalists' avocation is not very plentiful and they cannot get jobs in three months. I would also recommend that uniform period.

Then I am amazed to find that sick leave should be uniformly on half wage. Why should not some period or sick leave be given on full wages? Why should not there be casual leave provided for in the Act? Why should it be left to the rules?

Regarding the question of gratuity, there is a very important matter of principle involved. Now, here in the Bill it is stated that if a journalist is punished merely by way of disciplinary action, his whole gratuity will be forfeited. That is an extraordinary proposition. You know that Industrial Tribunals are always governed by the principle that gratuity can be forfeited only if the person is guilty of gross misconduct and his services have been terminated on that account. I do not agree even with that principle. Why should gratuity earned through service of years be forfeited by reason of gross misconduct in one instance? But, even that principle has not been recognised in this Bill. The Bill merely prescribes disciplinary action as a sufficient justification for forfeiting the gratuity.

[Shri Sadhan Gupta]

There is the question of retirement benefits. I expect a retirement benefit; my whole family expects retirement benefit. If a proprietor or owner takes it into his head to take disciplinary action, then this provision would encourage him to take frivolous disciplinary action.

I do not also agree with my hon. friend, Shri Gurupadaswamy that equal gratuity should be fixed for big and small newspapers for this reason. If equal gratuity is to be fixed, then it would be on the standard of the small newspapers. That is to say, those journalists working in the big newspapers would be deprived of the benefit of the prosperity in those newspapers. Therefore, inequality is inevitable. The journalists in prosperous newspapers should be allowed to avail themselves of that prosperity.

Regading the wage boards, I would recommend that a time limit should be prescribed by which the wage boards should be formed because from our experience of the Minimum Wages Act, we find that Government is very lethargic in these respects.

Shri Algu Rai Shastri: Not in this respect; they will act promptly.

Shri Sadhan Gupta: Seven years have passed and yet in several industries the minimum wages have not been fixed.

Incidentally, I also think that one wage board may not be enough for the settlement of all wages. Therefore, several wage boards, one for each State or one in respect of some region should be fixed. It should be fixed in consultation with the organisations which represent a substantial portion of the working journalists and their representatives should be taken into the organisation. Unfortunately, there is no compulsion in the Bill on the Government to do so and we know from our experience that often Government does not look to the representative character of the association but to some favourite unions which they want to favour. We have the instance of the Port Commissioners where a union which patently did not represent any substantial portion of the workers was given the representative character. I want this kind of thing to be avoided.

Another very important thing is that the Bill has recognised the industry *cum* region basis in its provisions. This has been a very moot point between the workers that their wages should not be restricted on the ground that wages in other industries in the region or in the newspaper industry are of a certain kind. I do not see any reason why workers who work in a prosperous concern and prosperous establishment should not get wages according to the prosperity of the concern. All the arguments advanced in the Fair Wages Committee Report and taken up by the tribunals regarding the industry *cum* region basis of fixation of wages are utterly fallacious. They say that if a concern pays more wages then others will flock into it. This is an absurdity because that kind of thing cannot happen; unless the concern takes in the other workers they cannot flock to it.

Shri T. N. Singh (Banaras Distt-East): Now, it is 10 minutes, Sir.

Shri Sadhan Gupta: In the interest of the working journalists, I should refer to the application of the Industrial Employment (Standing Orders) Act by clause 14 I should say that strikes and slow-downs should not be illegalised. I cannot deal at length with that.

Lastly, regarding the recovery of dues, I submit that the application to the Government when made should be judicially treated and it should be a judicial process which the journalists should be able to enforce for his benefit. I have not had much time to deal with these things and so I commend my suggestions for his acceptance. If he thinks he can accept my amendments, I will formally move

them; otherwise. I will not, in the interests of the speedy passage of this Bill.

श्री भक्त दर्शन (जिला गढ़वाल पूर्व व जिला मुरादाबाद उत्तर-पश्चिम) : सब से पहले तो मैं अपने माननीय मंत्री महोदय को इस विधेयक को इस सदन में लाने के लिये हार्दिक बधाई और धन्यवाद देता हूं। मेरा अपना अनुमान है कि राज्य सभा में जैसे पहले मूल रूप में इसे प्रस्तुत किया गया था, उस के बाद इस में काफी अच्छे सुधार और संशोधन हुए हैं, लेकिन मैं उन व्यक्तियों में से हूं जो इस बात को मानते हैं कि अभी भी इस में संशोधन की काफी गुंजायश है, यद्यपि मैं यह समझता हूं कि चाहे माननीय मंत्री जी की अपील के कारण और चूंकि समय की कमी है इस कारण इस सदन के सदस्य इस को इसी रूप में स्वीकार कर लें, लेकिन कुछ बातें ऐसी हैं जिन की ओर मैं माननीय मंत्री महोदय का ध्यान अवश्य दिलाना चाहता हूं।

सब से पहली बात यह है कि इस विधेयक में १४ जुलाई सन् १९५४ की तारीख रक्खी गई है कि उस के बाद जिन लोगों को बर्खास्त किया गया है वह भी इस से सुविधा उठा सकेंगे। मैं समझता हूं कि इस तारीख को इसलिये रक्खा जा रहा है कि उस दिन प्रेस आयोग के सदस्यों ने अपनी रिपोर्ट पर हस्ताक्षर किये थे। लेकिन मैं माननीय मंत्री महोदय के ध्यान में यह बात लाना चाहता हूं कि जिस दिन से हमारे महामहिम राष्ट्रपति जी ने अपने १६ मई, सन् १९५२ के अभिभाषण में यह घोषणा की थी कि प्रेस-आयोग की स्थापना की जायेगी, उस के बाद से ऐसे बहुत से मामले हैं जिन में पत्रकारों के साथ बहुत अन्याय किया गया है। उदाहरण के लिये हमारे उत्तर प्रदेश का जो एक प्रसिद्ध दैनिक पत्र "लीडर" है उस के समाचार-सम्पादक को जो लगभग ३३ वर्ष तक काम करते रहे थे, केवल एक महीने का नोटिस दे कर जुलाई १९५२ में निकाल दिया गया। इस के अलावा उसी पत्र के एक उपसम्पादक को भी जोकि लगभग २२ वर्ष से काम कर रहे थे केवल एक महीने का नोटिस दे कर निकाला गया। उन की कन्या की शादी होने वाली थी, लेकिन इस काम के लिये भी उन को छुट्टी नहीं दी गई, जिस के परिणामस्वरूप जल्दी ही उन का देहान्त हो गया। मैं माननीय मंत्री महोदय से अपील करना चाहता हूं कि अगर इस से बहुत से पत्रकारों को लाभ देना है तो इस तिथि में संशोधन करने पर विचार किया जाये।

दूसरी बात जो मैं खास तौर से माननीय मंत्री महोदय के ध्यान में लाना चाहता हूं वह यह है कि मुझे शंका है कि यह जो वेज-बोर्ड बनने वाला है वह शायद अंगरेजी के पत्रों और हिन्दी तथा दूसरी भारतीय भाषाओं के पत्रकारों के बीच में वेतन आदि के सम्बन्ध में कुछ अन्तर भी रक्खेगा। मैं प्रेस आयोग के सदस्यों का बहुत आभारी हूं कि उन्हों ने स्पष्ट शब्दों में यह कहा है कि इस प्रकार का कोई अन्तर नहीं रक्खा जाना चाहिये। इस बात को आप भी जानते हैं और हम भी जानते हैं कि आजकल हमारे हिन्दी के पत्रकारों की जो हालत है वह बहुत दयनीय है। इस सदन के सभी वर्ग मेरी इस बात से सहमत होंगे कि भारत के स्वाधीनता-संग्राम में हमारे हिन्दी के पत्रों ने और भारतीय भाषाओं के पत्रों ने, चाहे अंगरेजी के शैदाई लोग मुझ से सहमत न भी हों, फिर भी मैं कहूंगा कि हमारे पत्रों ने पूरा समर्थन तथा सहयोग दिया है। हमारे उत्तर प्रदेश के एक प्रसिद्ध दैनिक "प्रताप" का नाम ही इस बात का साक्षी है कि किस प्रकार से नौकरशाही के दिल को दहलाने वाले लेख उस के अन्दर निकला करते थे तथा किस प्रकार से उस ने गरीब किसान व मजदूरों का पक्ष समर्थन किया और स्वाधीनता के संग्राम में हिस्सा लिया।

[श्री भक्त दर्शन]

मैं आप के सामने एक उदाहरण और रखना चाहता हूं । जिस तिब्बत के किसी भाग में कोई अंगरेजी का पत्र नहीं जाता और जहां का कोई भी आदमी अंगरेजी नहीं जानता, वहां अलमोड़े के पत्र "शक्ति" ने और गढ़वाल के पत्र "कर्मभूमि" ने स्वाधीनता का बिगुल बजाया और स्वाधीनता के सन्देश को वहां पहुंचाया । मुझे इस से अधिक कहने की आवश्यकता नहीं है । मैं इस बारे में अपने मंत्री महोदय से आश्वासन चाहता हूं कि वेज बोर्ड को इस बात का स्पष्ट आदेश दिया जायेगा कि हिन्दी के पत्रों तथा अन्य भारतीय भाषाओं और अंगरेजी के पत्रों में जो भी वेजेज रक्खी जायें, पारिश्रमिक रखें जाएं उन में कोई बुनियादी अन्तर नहीं होना चाहिये ।

तीसरी बात मैं यह कहना चाहता हूं कि यह तो सन्तोष की बात है कि माननीय मंत्री महोदय ने राज्य सभा में मिनिमम वेजेज बोर्ड को केवल वेजेज बोर्ड बनाने का सिद्धान्त स्वीकार किया । इस का मतलब यह है कि केवल न्यूनतम वेतन को निर्धारित करने के लिये ही उस की स्थापना नहीं की जायेगी, बल्कि जो जिस योग्य होगा उसी प्रकार उस को पारिश्रमिक दिया जायेगा, लेकिन इस को स्पष्ट करने की आवश्यकता है । मैं उन व्यक्तियों में से हूं जो यह समझते हैं कि पत्रकार-कला केवल श्रमिकों या मजदूरों का-सा कार्य नहीं है । इस को अंगरेजी में "लिबरल प्रोफेशन" भी कह सकते हैं । इस लिये इस प्रोफैशन में जैसे कि शिक्षा विभाग में जो अध्यापक हैं उन के पे-स्केल्स होते हैं उसी प्रकार के पे-स्केल्स पत्रकारों के लिये भी होने चाहियें । इसलिये वेज बोर्ड को स्पष्ट आदेश मिलने चाहियें कि वह न्यूनतम वेज को ही निर्धारित न कर के उन के वेतन के क्रम भी निर्धारित करे, उन के पे-स्केल्स भी स्पष्ट करे ।

डा० कुन्जरू : वह तो इसमें है ।

श्री भक्त दर्शन : उस से यह बात स्पष्ट नहीं मालूम होती कि इस को किया ही जायेगा । इसलिये मैं माननीय मंत्री जी से प्रार्थना करता हूं कि वह आश्वासन दें कि वेज बोर्ड को स्पष्ट हिदायतें इस बारे में दी जायेंगी और वह इस को करने का प्रयत्न करेगा । मैं समझता हूं कि यदि ऐसा होगा तभी न्याय हो सकता है ।

क्योंकि समय कम है इसलिये मैं और अधिक समय लेना नहीं चाहता । मैं माननीय मंत्री जी को इस विधेयक को इस सदन में लाने पर फिर से बधाई देता हूं और आशा करता हूं कि इसके पास हो जाने के बाद इसके संचालन में समय समय पर जो त्रुटियां और जो कमियां उन के ध्यान में आयेंगी उन को वह जो इग्जीक्यूटिव अधिकार उन के पास हैं उन के द्वारा दूर करने की कोशिश करेंगे और वर्किंग जर्नलिस्ट्स की जीवन-स्तर को ऊंचा उठाने का प्रयत्न करेंगे ।

इन शब्दों के साथ मैं इस विधेयक का हार्दिक समर्थन करता हूं ।

Shri Feroze Gandhi: I will be very brief. I will only add my words of support to the Bill and all congratulations to the hon. Minister for having brought this Bill before the House and I hope that the House will expedite the passing of the Bill by 5-30 P.M. I support the Bill.

Shri T. N. Singh: I rise to intervene in this debate at this stage because I feel that something in regard to this measure should be said in order to avoid unnecessary criticism. I was rather surprised that while presenting bouquets to our hon. Minister of Information and Broadcasting, some of the hon. Members complained of delay.

An hon. Member: Naturally.

Shri T. N. Singh: I know what a stupendous task this was from the work that we had to do in the Commission and I can say that because

of the new field covered and certain new kinds of problems which naturally arise, when you deal with labour aspects of a profession. This is a Bill which goes very far towards showing the way as to how we can deal with this aspect of the labour problem. There are so many laws here as well as outside the country dealing with labour problems, but to deal with professional problems is a very difficult question to solve. I really feel that in view of the complexity and a vocal section with which we have to deal, this Bill has been brought none too late. Everybody can say—and probably some of us may say so—that we could have expedited this thing by a month or so in this or that direction, but generally speaking, I must express my satisfaction at the manner in which the Government have dealt with the recommendations of the Press Commission and the consideration shown. The proprietors of the newspaper press are a very powerful section of this country and it is not an easy matter to deal with something revolutionary which the Press Commission has recommended in the form of legislation, and this is what has been done during the last 3 or 4 Bills that have come before the House, some of which we have passed. So I would not blame the hon. Minister for being dilatory or coming with the measure late. I know and understand the complexity of the problem and I must give him the credit for doing his best to do the things early.

As regards the Bill itself, I myself may have certain improvements to suggest and there are other colleagues of ours in this House who would like certain other modifications to be made, probably to suit the employer or the employee. There may be views on this and I am prepared to give all credit to those who want to think independently of this problem, but I want to say that this measure, which is the first of its kind to deal with a very honourable profession in this country, should err, if at all it has to err, on the side of liberality for the profession instead of trying to narrow down the privileges that are intended to be conferred on the people employed in journalism. I have worked as a journalist, in fact I began my life in the year 1925 as a journalist and I have worked from 6 P.M. to 6 P.M. which was the daily routine of work.

Shri R. Velayudhan (Quilon *cum* Mavelikkara — Reserved — Sch. Castes): That is why the hon. Member is now here in this House.

Shri T. N. Singh: The salary that was paid to me was a mere Rs. 60 and I did feel in those days very bitter and I did feel the necessity for somebody there to protect our interests. At least for those who work at the table, who are educated and who are tiring themselves out, it was not mere physical work that they had to do. I feel that, if any modification has to be made in this measure, it should be made with a view to giving more and more privileges to the people belonging to this noble profession. I have heard that there are cases where gratuity may have to be paid amounting to large sums. But remember that in those days journalism was almost a mission for many of us. We were fighting for our freedom and I ask this: Is it suggested that for those years for which we worked, right from 1920 till 1945 or so, we should not get the gratuity of 15 days' leave? If that is the suggestion, there can be no more reactionary mentality than this. I very strongly urge that there should be no modification, and if there has to be a modifications, it must be in the process of liberalising it still further. I do not want to raise any controversy because the House, I find, is so kind to expedite the passage of this Bill. But as I have said, I do not want to suppress the feelings within me that for the work that we have put in during those years, for the sacrifices that we journalists have made during the period of the freedom struggle, we should be rewarded not by 15 days' leave but by two months or three months even. That is what I feel about the matter.

[Shri T. N. Singh]

As regards the Wage Board, I am very glad that in the Upper House the modification was made. We are not concerned merely with fixing a minimum wage—that is not the main thing —but we also want that proper wages or fair wages should be fixed. As a matter of fact, in our own Commission we discussed this question in great detail and it was our intention —I am disclosing no secret—to see that our fellow journalists got a fair wage, and not only a minimum wage. For that reason I very much welcome the change made here. I am sorry I have probably exceed the time limit fixed by you, but if you so permit, I would say that working hours, overtime and all those things should follow and they will follow. The tide which has flown in a particular direction cannot be reversed at this stage and any effort of howsoever big a proprietor might be will only wash him off and will not in any way retard the progressive line that this House is taking when it is passing this Bill. I would only say this. If a worker gets some overtime—a worker doing some physical labour—you cannot stop the other man getting it. I do not think there is anything in the Bill to prevent Government from saying that overtime has to be paid.

Dr. Keskar: There is nothing.

Shri T. N. Singh: I am sure that when this process starts all these things will automatically follow. My advice to my fellow journalists will be this. Let us not be impatient. For 30 years under great hardships with great patience we have struggled for a certain standard. Let us go on working steadily without any bitterness against anybody. I am sure that the proprietors of the newspapers will see their way. Newspaper industry should not be run at is it done today. In future, I anticipate it not to be merely profit-making concern. It has to have a mission. Therefore, let the proprietors not view these things with a rupees, annas and pies attitude of the average businessman who wants to make some commissions on anything that he can.

Shri Kamath (Hoshangabad): Press Commission too?

Shri T. N. Singh: I thought probably the hon. Member also wanted to get a commission on the Press Commission. That is not possible. With these few words, I will commend this measure to the House and strongly appeal that this Bill should be passed as it is just at present. Let no Member be deluded by the hope that if any modification is going to be made it will ever be made in the reactionary direction.

Shri Joachim Alva (Kanara): The long, bitter and strenuous struggle waged by working journalists which started silently almost a century ago has at last ended. The working journalist has at last come into his own with some more amenities around the corner. Many more amenities, which are denied to him now, he will surely obtain in course of time.

There is a moral and a legal side to this Bill. The legal side has provided many provisions which are very favourable to him. Gone is the day when the proprietor could harass the journalist and extract work from him for 36 hours—I would not say 24 hours but 36 hours—without any provisions for the family or for any kind of emergent help though the profits were plenty and the returns large for the proprietor. We know that the influence of the proprietors is still very strong and they can reach from the zero point even up to Rashtrapati Bhavan. However this is transient and passing.

The hon. Minister aided by his able and legal minded Secretary deserves to be congratulated for having brought this Bill out of a package of Bills which have to come from the report of the Press Commission. There is still one more Bill which he has to bring. There is no provision at all for smaller and weaker papers: to pull them out of their morass and bring them into their own—there is just no provision of any type for them. The British and American advisers are responsible for this and the Indian

advertiser is completely indifferent to the growth of Indian journalism. There is also now the new advertiser from the USSR, Central European countries and China which, we hope, will counter-balance the force of the British and American advertisers. In this great tussle, the smaller newspaper goes to the dogs. Their interests had to be protected and had to be planned by the Ministry in the Five Year Plan by the provision of long term help or any other amenities so that they could stand the strain of the forces of competition. This has to be done so that they can enter the field and then the Indian language press will come into its own, when they will turn out into best--circulated papers of the world.

I was stressing the moral and legal sides of this Bill. The journalist has got now many pegs to hang his claims but he shall not also hang the management on it. Once he gets his dues, he must also feel his moral obligation. The moral obligations are many. The House would forgive me if I mention an instance. A businessman who originally came from Pakistan told me the other day—a refugee—that he came to India with Rs. 3 and he had been able to establish a flourishing business now. When he went to a British factory at Sheffield, the British Trade Union people told him an of a striking incident. A particular worker went to wash his face at 5:45 when the factory was to be closed at 6 P.M. They sacked that man an circulated to all the other Unions that he shall not get a job. If those 15 minutes were multiplied by a thousand workers would mean the loss of so many working hours. The moral obligation of the Union was strong. It is inherent there and is lacking here. The British individual character is something which can be emulated. We will have to emulate the attitude of the British Trade Unions and discharge our moral obligations.

Gone are the days of the great journalists who are fifty-year old now and beyond, who worked all the 24 hours and put their hands into every kind of work. Today we want young, able and hard-working journalists who are patriots and who will make the management love their ways. Let not our boys run away from their work. Perhaps they do not understand fully their responsibilities. Journalism cannot move automatically; newspapers cannot be produced by machines alone. The moral fibre is the triumphant factor.

I would quote one instance. I had a colleague of mine who one day walked upto me and said—he was a very able Orissa boy and I do not mind mentioning his name—he was Shri Profulla Mahanti, now writing articles in all the leading papers: "I am going away; I have finished my work for the day and for the whole of next week. My only son is dead and I am going away to my home in Calcutta. "I can never forget that. There was another typical instance. A worker asked the newspaper proprietor leave for his marriage; he was told to go out. The proprietor—I do not want to mention his name—was a journalist-worker of 24 hours and he died in harness, and he was one of the great pillars of our journalism.

There are proprietorial perfections and imperfections. These are things which we shall have to remember if we are to get our papers strong and going. As I said, if we are today taking a step forward, let us not take two steps backward. We shall threby strengthen our country and our journalism. Again I say, the Government must help the poorer, and smaller language papers—established Indian language papers—so that they make their own contribution towards our welfare State.

Shri Bhagwat Jha Azad: I welcome this Bill because it is a recognition of human value in such an industry where workers working from morning to midnight are subjected to poverty, tyranny and injustice—an industry in which useless pathetic institutions in the name of national agencies claim from Government a big junk, and whose big guns sometime raid

[Shri Bhagwat Jha Azad]

the Central Hall and try to stop this Bill from being passed in this House. I welcome this Bill on more than one ground.

Though this Bill is not perfect, yet I feel this will go a great way to help the working journalists who are subjected to so many hardships. As introduced in the Rajya Sabha this Bill did not give us any satisfaction. But, as it has emerged now it has been much improved, thanks to the Members in Rajya Sabha and to the elasticity of the Hon. Minister.

An Hon. Member: Generosity.

5 P.M.

Shri Bhagwat Jha Azad: The Wage Board as has been set up now, I find is not confined to minimum wage but it will also go into the question of fair wages with a view to fix the scales of wages and other allowances for the working journalists.

We want that clause 13 of this Bill should immediately be acted upon by the Government by publishing in the Official Gazette the wages for the interim period that are to be paid and which have been prescribed by the Press Commission. It is very strange that some of my friends—of course they knew my views and therefore they did not dare to come to me—were whispering in the Central Hall or somewhere as to why this retrospective effect should be given to the provision regarding gratuity. I wanted to shoot a question on their face, but they did not come before me, as to why retrospective effect should not be given to a provision applicable to those who are working from morning till midnight in such an industry and in such offices where I have seen that they have not even got the minimum advantage of a good chair and table? Why should it not be given to them who have a suffocated life and who work day and night for giving good material which is called the fourth estate in the country? Why should they not be given the advantage of retrospective effect? Then I was asked, why this provision of provident fund and this gratuity? My answer is the same to that.

But I feel that though the hon. Minister—he is perfectly justified in being proud of it—has provided a retrenchment clause in the Bill which will cover the period since the announcement of the Report of the Press Commission, there are still many hard cases. I know at least about one, a friend of mine, who is a journalist in Patna in a similar press. His only guilt was that he appeared before the Press Commission and gave evidence in clear words against what things are being done in the establishment. He has been retrenched on that account and he cannot be covered under this retrenchment clause because the period that has been stipulated in very short. I, therefore, request the hon. Minister to extend this period. If it is not possible, he should say that such cases which are still pending in different States and which have not been decided by the Industrial Tribunals should be referred by the respective State Governments to adjudication.

I feel that there is still much to be done. This Bill is not perfect, but as we all know no man nothing in this world in perfect. Still I hope the hon. Minister will not take shelter under this but will take advantage of this that a man always gains by experience and he is a man who adapts according to circumstances. As I have complimented the hon. Minister of elasticity I am sure he will take into consideration our views. We have ourselves foregone the privilege of moving our amendments in this House only in the hope that certain things which we wanted to raise through amendments will be taken into consideration by the Minister. Even if our amendments have not been formally moved in this House they have been informally sent to him as our amendments and we have also informed him outside the House.

With these words I welcome this Bill.

Dr. Suresh Chandra: I do not know whether I should congratulate the hon. Minister for his elasticity, but I certainly feel that the hon. Minister deserves our congratulations for bringing such a measure in such a short time. As has been stated before by the Minister himself, this is probably the most important recommendation of the Press Commission and as such it is absolutely necessary to bring a legislation to improve the conditions of the working journalists which is a human problem.

Now, it is not the time here to go into the provisions of the Bill in a detailed manner as has been agreed to by the unanimous voice of this House, but I feel it is necessary to point out that a little more comprehensive measure is expected to be brought forward by the Minister which will also include the shortfalls which still remain in this Bill.

It is a welcome sign that a provision has been made for the constitution of a Wage Board, but I feel that the Government should accept the recommendation of the Press Commission on this issue and have a basic Minimum Wage Board. Though it is a fact that this basic Minimum Wage Board does not exist in all other industries, I feel this is a special industry whose importance has been emphasised by my previous speakers and I need not go into that in view of the short time at my disposal. I feel that it is necessary to have some kind of a Minimum Wage Board so that the minimum salary which has been prescribed by the Press Commission may be given effect to. After going into this industry very very carefully they have prescribed Rs. 125 as the minimum wage. I feel it is quite justified and hope the Government would come forward in accepting this recommendation.

I have another point to make. I hope that this Wage Board might become a sort of 'Jumping board' for the promotion of the conditions of working journalists for their security of tenure, emoluments and other things so that in future this Bill may become a charter for the journalists of this country.

The third suggestion I have to make here is that there should be no discrimination against Hindi or language newspapers in any way. Unfortunately, in this country there has been a kind of discrimination in respect of fixing of wages for the language newspapers. I feel that there is hardly any future for English in this country after some years. It may be unfortunate, perhaps, but it is so because of the provision in our Constitution and, therefore, the future lies in the language newspapers of the country. Therefore, the Government must do everything in its power to encourage the language newspapers and should show no discrimination.

I feel that this Bill is a very welcome measure and I hope the Government will take note of all the points which I have tried to place before this House. I heartily support this measure.

श्री रघुनाथ सिंह (जिला बनारस मध्य): सभापति महोदय मेरा प्रस्ताव है कि इस पर अब बहस समाप्त की जाए और इस पर वोट ले लिया जाये ।

Sir, I move for closure. (*Interruption*).

Mr. Chariman: Order, order. The whole point is, there are two hours allotted for this and it depends on the House whether they want to close it earlier.

Some Hon. Members: Yes, Sir.

Some Hon. Members: No, Sir.

Mr. Chairman: There is difference of opinion.

Dr. Keskar: There were two hours fixed if the House sat till six o'clock. I was informed by the previous Chairman that there is a desire to adjourn at 5-30 p.m. and that is the reason why there is a move for closure; probably, we might have been given less time.

Shri Raghunath Singh: Sir, I move for closure because we have to finish early. (*Interruption*).

Shri Sinhasan Singh (Gorakhpur Distt.-South) *rose*—

Shri N. Rachiah (Mysore-Reserved-Sch. Castes) *rose*—(*Interruption*).

Mr. Chairman: I think Shri Jaipal Singh was a member of the Commission and he wants to say a few words. I will give him 5 minutes. He shall be the last speaker.

Shri T. N. Singh: He may speak on the third reading. Once a closure motion has been moved it will have to be put to the vote of the House according to the rules.

Mr. Chairman: Not necessarily; there is some discretion left to the Chair. So, I will give some time to Shri Jaipal Singh—5 minutes—and after that I shall put the closure motion.

Shri Jaipal Singh (Ranchi West Reserved-Sch. Tribes): I am very grateful to you for enabling me amidst this babel of noises to say a few words on this Bill.

Shri B. S. Murthy: On a point of order. This usage of the words "babel of noises" is intended to mean that there is no rule or rhyme here. The Members were asking for closure. Would you be good enough to say whether this phrase "babel of noises", when we asked you to put the motion for closure, is in order?

Shri Jaipal Singh: I find it very difficult to vindicate my position when there are some Members who perhaps are not well acquainted with the language in which I am speaking.

Mr. Chairman: Hon. Member has got just three minutes more.

Shri Jaipal Singh: I take this opportunity of recalling the name of the Chairman of the Press Commission—Justice Rajadhyaksha. We who had the privilege of working with him could not have had a better man as far as the working conditions of working journalists were concerned. Here was an Indian national who had more experience than any other man of the judiciary in this country alive then, more experience than any one of us or, for the matter of that, anybody else, and nobody else could have been thought of by the Government of the day. He was, in one form or the other, head of many tribunals dealing with labour conditions. My colleague who has spoken here a few minutes earlier talked of the mission. The mission is a historical fact. We are not concerned with missions now: we are concerned with the present problems and I think the present problem is not one of employers only but of the employees also. It is an open fact that I was not satisfied. In fact, I am one of the dissentients, one of the signatories to the Minute of Dissent in the Press Commission's report. I am not satisfied that even what is being offered today is good enough, when we are expecting wonderful work from our working journalists. The biggest sinners in this country are the language press. We talk of nationalism and the like. But it is the foreign language press that does pay well. It is not the language press. The foreign language press is today better than any language press.

Some Hon. Members: No, no.

Shri Jaipal Singh: The facts are there. These reports are there. Let any of my colleagues tell me what it is. I do not like that word "vernacular" press. It is opprobrious. The language press of the country does not pay better than the English press (*Interruption*) Hon. Members tell me that there should be no discrimination. Well, what I have to say is this. Let this be recorded. I am also a working journalist.

An Hon. Member: Part-time.

Shri Jaipal Singh: May be part-time; maybe one day in the year, but I am a working journalist. All that I say is this. Let it not be merely a misssion. Let it be something more than that. Let them be worthy of the hire. It is very important. It is very easy to talk of what they should get, what their working conditions should be etc. I have no sympathy whatever with the employers.

Shri Joachim Alva: The English section is financially the most powerful section of Indian journalism.

Shri Jaipal Singh: Let there be no mistake about it. I have no sympathy with the employers.

Mr. Chairman: The hon. Member is not keeping in mind that he has been given only five minutes. He is exceeding that limit. I thought that he was eager to speak, but he is paying economiums and something like that. Time is short. He will please finish soon.

Shri Jaipal Singh: I appeal to the working journalists to realise that theirs is creative work, and creative work, by virtue of its being creative, is not subject to the ordinary conditions, but, at the same time, they shall be worthy of the hire.

Some Hon. Members: They are.

Shri Algu Rai Shastri: They are better than that.

Mr. Chairman: The question is:

"That the question be now put".

The motion was adopted.

Mr. Chairman: The question is:

"That the Bill to regulate certain conditions of service of working journalists and other persons employed in newspaper establishments, as passed by Rajya Sabha, be taken into consideration".

The motion was adopted.

श्री भक्त दर्शन : क्या मंत्री महोदय उत्तर नहीं देंगे ?

Mr. Chairman: I do not think it is necessary. The next stage is clause-by-clause consideration. I hope all the Members who have tabled amendments have withdrawn their amendments.

Shri Sadhan Gupta: We are not going to move them.

Shri B. S. Murthy: They have not at all been moved.

Mr. Chairman: The question is:

"That clauses 1 to 21, the Enacting Formula and the Title stand part of the Bill".

The motion was adopted.

Clause 1 to 21, the Eacting Formula and the Title were added to the Bill.

Dr. Keskar: I beg to move:

"That the Bill be passed."

In moving that the Bill be passed, may I say one or two words? I do not want to say anything by way of a valedictory speech but I want just to mention a few points that hon. Members have raised here.

Mr. Chairman: The hon. Minister may reply after one Member has spoken. Shri D. C. Sharma will now speak.

Motion moved:

"That the Bill be passed."

Shri D. C. Sharma: I welcome this Bill. It is not the time to lecture to journalists, to lecture to the proprietors or lecture to anybody, but it is the time to rejoice, and I think the most happy man today is our Minister of Information and Broadcasting, Dr. Keskar. He has been feeling very happy and has been smiling all the time, and I hope his smile has not been due to my friend Shri Khanduabhai Desai, but they are both very happy today. Journalism is a most

[Shri D. C. Sharma]

precarious profession, but today we are giving the journalists a modicum of the sense of security. It is the most hazardous profession and we are trying to insure it slightly against the risks which it involves. It is the most difficult' profession and we are trying to give it some modicum of a living wage. It is the most liberal profession but its liberalism is rooted in poverty and we are trying to offset that porverty. It is the most honourable profession and we are giving that honourable profession some incentive for doing the work efficiently, nobly and well. Of course, I would only say to my hon. friend, the Minister, who has got this thing done in such a short time that the clause about the disciplinary action should be modified and explained, and, if possible, withdrawn. I would also say that so far as retrenchment is concerned, the provisions should be made as hard as possible for the proprietors. With these words, I support the Bill.

श्रीमती शिवराजवती नेहरू (जिला लखनऊ मध्य) सभापति महोदय, यद्यपि हम स्त्रियों को बोलने का मौका नहीं दिया गया है, फिर भी मैं केवल इतना ही कहना चाहती हूं कि हम स्त्रियां भी इस विधेयक का समर्थन करती हैं।

Mr. Chairman: Order, order. I am once again asking the House to fix up its mind. Of course, the time-limit fixed is two hours and according to that schedule, we can sit till 6. But I understand that due to some reasons hon. Members want the House to adjourn at 5-30.

Several Hon. Members: Yes.

Mr. Chairman: So that sense is there.

Shri S. L. Saksena: I want to say only one thing. Today, by this Bill we are admitting the working journalists into the class of labourers. My journalists friends are very happy and I am also very glad. But, I warn the journalists that they should not be overhappy. The Industrial Disputes Act, the Industrial Employment (Standing Orders) Act and the Employees' Provident Funds Act, 1952 are there still and they have their own defects. As far as adjudication of disputes is concerned, there is a provision in the Bill that the Government need not refer for adjudication.....

The Minister of Labour (Shri Khandubhai Desai): That lacuna has been removed in the amending Bill.

Shri S. L. Saksena: If that lacuna has been removed in the amending Bill, I am glad.

Mr. Chairman: The hon. Minister will now reply.

Dr. Keskar: I am very happy to know that there is such a practical unanimity in the House in support of this Bill. This shows that hon. Members are all progressive minded. They would like to help the journalists and give them their due. They would like to give the journalists the best of working conditions.

श्री अलगू राय शास्त्री : आपको कुछ हिन्दी में भी बोलना चाहिये था।

Dr. Keskar: I will speak in Hindi next time. I do not pretend that the Bill is a prefect one. I quite agree that the Bill can be improved in many details. But, as I said, it is striking a mean between various opinions. Moreover, I have pointed out to Members that any change in the Bill at this stage, even though it may be a small one, would mean postponing the Bill for many months to come.

However imperfect the Bill might appear to hon. Members, I hope that they will give it unstinted support keeping in view the general principles involved and not the particular details which they disapprove. I would only like to say that it is not a dilatory measure. We have taken everything into consideration. I am prepared even now to consider anything

which is pointed out as a defect or which, in the light of experience, we feel is a defect; we will certainly see that measures are taken to adjust things accordingly later. We have to expedite the matter as quickly as possible. But unfortunately, hon. Members will want to expedite things in such a way that the democratic and parliamentary procedure is not followed. If you want that procedure to be followed, then some delay is inevitable. You cannot get away from it. I think as a longtime measure, it is better that we take every possible opinion into consideration and then take a decision which is far better, far more mature and therefore far more lasting. There are a number of points raised by hon. Members here; I cannot refer to all of them. I am noting very carefully all the suggestions made here. Two or three Members raised the point of disciplinary action. I may remind them that the provision regarding disciplinary action is taken from the Industrial Disputes Act. Disciplinary action is taken for proved and gross misconduct. There is no contradiction between what is suggested in the Industrial Disputes Act and what is suggested by the hon. Members. Action taken under this Bill will be according to the procedure laid down in the Industrial Disputes Act. Therefore, hon. Members need not have any apprehensions that this is something new which is not existing in any other industrial legislation. The questions of overtime, leave and other things can be taken up under rules. I have also said in the other House that details regarding leave and overtime which are not put on the statute will be dealt with by framing suitable rules. Many Members have raised the question of the language press and the English press.

[MR. DEPUTY-SPEAKER *in the Chair*]

There is no doubt that the future belongs to the language press. We have to see that the language press is nurtured and goes on the right lines. It should be built on a sure foundation. All that is there. Whatever is necessary will be certainly done by us. There need be no apprehension that we want to show any discrimination in favour of the English press.

I have noted carefully the other points raised by hon. Members, including the pertinent remarks of my friend Shri Jaipal Singh. We will bear them in mind, and as I said, after the Bill comes into force, in the light of experience, we will certainly do whatever is necessary. In certain matters like gratuity etc., it might be hard for a number of papers. I am prepared to examine everything with an objective mind. I said that the journalists must receive their just and due share. On the other hand, I hope that the journalists also will show, as Mr. Jaipal Singh has said, that the journalistic profession is an honourable profession. They can rise to noble heights and even without the Press Council coming into being, they will show that journalistic standards will be observed in the country. I have every hope that the journalists, as a collective body, will see that since hereafter better standards of working conditions are assured for them, better journalistic standards will be maintained, showing to other countries also that in India without much regulations, the journalists are showing the way for higher standards. That is somethng which I hope they will try to achieve. I also hope that the passing of this Bill will bring about better relations between the employers and the employees. I do not at all share the apprehension of some friends here that this Bill will bring about hardship or bitterness between the proprietors and the working journalists. On the contrary, now that the journalists will get security and better protection, I am sure that there would be happier relationship between the proprietors and the working journalists.

Shri Bhagwat Jha Azad: As far as question of retrenchment not covered by clause 3 is concerned....

Mr. Deputy-Speaker: Order, order. I have not placed the motion before the House. Are there no amendments?

Dr. Keskar: I have replied to the third reading debate.

Mr. Deputy-Speaker: Very well. This is a neat Bill.

The question is:

"That the Bill be passed"

The motion was adopted.

5-30 P.M.

The Lok Sabha then adjourned till Eleven of the Clock on Wednesday, the 14th December, 1955.

DAILY DIGEST

[Tuesday, 13th December, 1955]

Columns

REPORT OF JOINT COMMITTEE—PRESENTED 2419

Shri Barman presented the Report of the Joint Committee on the Code of Civil Procedure (Amendment) Bill

BILLS PASSED 2419—78, 2510—50

(1) Clause-by-clause consideration of the Constitution (Eighth Amendment) Bill was taken up. Clauses 2 and 1 were adopted and the Bill was passed . . 2419—78

(2) Working Journalists (Conditions of Service) and Miscellaneous Provisions Bill, as passed by Rajya Sabha, was considered. Clauses 1 to 21 were adopted and the Bill was passed . . 2510—50

CONSIDERATION OF BILL . . . . 2477—10

Shri Pataskar concluded his speech on the motion to consider the Hindu Succession Bill, as passed by Rajya Sabha. Further consideration of the Bill was postponed till the next Session . .